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State Family Benefits Act

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Amended by the following acts

Passed	Published	Entry into force
19.06.2002	RT I 2002, 61, 375	01.08.2002
29.01.2003	RT I 2003, 18, 103	26.02.2003, amendments applied retroactively as of 01.01.2003
12.11.2003	RT I 2003, 75, 498	01.01.2004
10.12.2003	RT I 2003, 82, 549	01.01.2004
17.12.2003	RT I 2003, 88, 592	01.01.2004
28.06.2004	RT I 2004, 56, 404	01.09.2004
08.12.2004	RT I 2004, 89, 603	01.01.2005, partially 01.01.2006
27.01.2005	RT I 2005, 9, 34	09.02.2005, amendments applied retroactively as of 01.01.2005
15.06.2005	RT I 2005, 39, 308	01.01.2006
23.11.2005	RT I 2005, 65, 497	01.01.2006
17.05.2006	RT I 2006, 26, 191	01.08.2006
16.11.2006	RT I 2006, 55, 409	01.01.2007
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16.11.2006	RT I 2006, 55, 409	01.09.2007
15.02.2007	RT I 2007, 24, 127	01.01.2008
12.12.2007	RT I 2007, 71, 435	01.01.2008
12.12.2007	RT I 2007, 71, 435	01.07.2008
22.10.2008	RT I 2008, 48, 264	23.11.2008
09.12.2008	RT I 2008, 56, 313	24.12.2008
09.12.2008	RT I 2008, 56, 313	01.01.2009
20.05.2009	RT I 2009, 30, 177	01.07.2010
22.04.2010	RT I 2010, 22, 108	01.01.2011, enters into force on the date which has been determined in the Decision of the Council of the European Union regarding the abrogation of the derogation established in respect of the Republic of Estonia on the basis provided for in Article 140(2) of the Treaty on the Functioning of the European Union, Council Decision 2010/416/EU of 13 July 2010 (OJ L 196, 28.07.2010, p. 24–26).
16.02.2011	RT I, 14.03.2011, 1	01.01.2012
13.06.2012	RT I, 10.07.2012, 2	01.04.2013
14.11.2012	RT I, 06.12.2012, 1	01.01.2013, in the entire text of the Act, the words "Pension Board" and "pension department" have been replaced with the words "Social Insurance Board" in the appropriate case form

12.12.2012	RT I, 22.12.2012, 14	01.06.2013, partially 01.07.2013 and 01.01.2015
12.06.2013	RT I, 02.07.2013, 1	01.09.2013, partially 01.01.2014
12.12.2013	RT I, 22.12.2013, 4	01.01.2014
26.03.2014	RT I, 16.04.2014, 3	01.07.2014

Chapter 1 GENERAL PROVISIONS

§ 1. Purpose and scope of application of Act

(1) The purpose of the State Family Benefits Act is to ensure for families with children the partial reimbursement of expenses relating to the care, raising and education of children.

(2) This Act provides the classification and extent of state family benefits (hereinafter *family benefits*), and the conditions and procedure for the grant thereof.

(3) If an international agreement entered into by the Republic of Estonia includes provisions concerning the conditions and procedure for the grant of family benefits and the challenge proceedings which are different from this Act, the international agreement applies.

(4) The provisions of the Administrative Procedure Act apply to the administrative proceedings prescribed in this Act, taking account of the specifications provided for in this Act.
[RT I 2002, 61, 375 - entry into force 01.08.2002]

§ 2. Persons with right to receive family benefits

(1) Family benefits are granted and paid under the conditions provided for in this Act to:

- 1) permanent residents of Estonia;
- 2) aliens residing in Estonia who hold a temporary residence permit or who stay in Estonia on the grounds specified in § 130 of the Aliens Act.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

- 3) aliens residing in Estonia on the basis of a temporary right of residence.
[RT I 2006, 26, 191 - entry into force 01.08.2006]

(2) Family members residing in Estonia and children who do not live in the family due to studying abroad have the right to receive family benefits.

(3) Family benefits shall not be paid for family members specified in subsection (2) of this section if they receive the corresponding benefits of another state.

§ 3. Classification of family benefits

(1) Monthly family benefits are:

- 1) child allowance;
- 2) child care allowance;
- 3) single parent's child allowance;
- 4) conscript's child allowance or child allowance of person in alternative service;

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

- 5) foster care allowance;
- 6) parent's allowance for families with seven or more children.

[RT I 2005, 9, 34 - entry into force 09.02.2005]

(2) Single family benefits are:

- 1) childbirth allowance;
- 2) adoption allowance;
- 3) start in independent life allowance.

(2¹) A family benefit which is dependent on family income is a needs-based family benefit.

[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(3) [Repealed - RT I 2006, 55, 409 - entry into force 01.07.2007]

(4) [Repealed - RT I 2008, 56, 313 - entry into force 01.01.2009]

(5) If a person has the right to receive several classes of family benefits, the benefits shall be granted and paid at the same time.

§ 4. Financing of family benefits, child allowance rate and child care allowance rate

(1) Family benefits are financed from the state budget through the budget of the Ministry of Social Affairs. (2) Conscript's child allowance or child allowance of person in alternative service is financed from the state budget through the budget of the Ministry of Defence. The financing of needs-based family benefits is provided for in the Social Welfare Act.

[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(2) The basis for calculation of family benefits, except the child care allowance, parent's allowance for families with seven or more children, childbirth allowance and adoption allowance, shall be the child allowance rate established by the state budget for each budgetary year. A new child allowance rate shall not be less than the rate in force.

[RT I 2005, 65, 497 - entry into force 01.01.2006]

(3) The basis for calculation of child care allowances and parent's allowance for families with seven or more children shall be the child care allowance rate established by the state budget for each budgetary year. A new child care allowance rate shall not be less than the rate in force.

Chapter 2 MONTHLY FAMILY BENEFITS

§ 5. Child allowance

(1) Every child has the right to receive child allowance from the birth until he or she attains 16 years of age.

(2) A child who is enrolled in a basic school or upper secondary school, or a child without secondary education enrolled in formal vocational education has the right to receive child allowance until he or she attains 19 years of age. When the child attains 19 years of age, the allowance shall be paid until the end of the school year.

[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

(3) Child allowance shall be paid for a first and second child at twice the child allowance rate and for a third and each subsequent child at eight times the child allowance rate.

[RT I, 22.12.2012, 14 - entry into force 01.07.2013]

§ 6. Child care allowance

(1) One of the parents has the right to receive child care allowance:

1) at one-half of the child care allowance rate for each child of up to 3 years of age if the parent raises one or more children of up to 3 years of age;

2) at one-quarter of the child care allowance rate for each child between 3 and 8 years of age if the parent raises also children between 3 and 8 years of age in addition to one or more children of up to 3 years of age;

3) at one-quarter of the child care allowance rate for each child between 3 and 8 years of age if the parent raises three or more children who are at least 3 years of age and who receive child allowance in a family with three or more children.

(1¹) A person who is paid child care allowance has the right to receive additional child care allowance of 6.40 euros per month for each child of up to one year of age.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

(2) An allowance shall not be paid for the same child pursuant to both clauses (1) 2) and 3) of this section at the same time.

(3) If a child specified in clauses (1) 2) or 3) of this section starts year one at school and attains 8 years of age during the given school year, child care allowance for the child shall be paid until the end of the school year.

(4) If one of the parents is on parental leave, that parent has the right to receive child care allowance.

(5) If a person other than a parent uses parental leave, that person has the right to receive child care allowance at one-half of the child care allowance rate for each child in his or her care, but not more than one and one-half times the child care allowance rate in total. For such period, child care allowance shall not be paid to the parent for the same child.

(6) A guardian or caregiver of a child with respect to whom a written foster care contract has been entered into (hereinafter *caregiver*) has the right to receive child care allowance under the conditions provided for in this section.

(7) Child care allowance provided for in clause (1) 1) and subsection (1¹) of this section shall not be paid for a child or children in connection with whose birth maternity benefit is paid pursuant to the Health Insurance Act. [RT I 2008, 56, 313 - entry into force 01.01.2009]

(8) Child care allowance provided for in clause (1) 1) and subsection (1¹) of this section shall not be paid for a child or children in connection with whose adoption adoption benefit is paid pursuant to the Health Insurance Act. [RT I 2008, 56, 313 - entry into force 01.01.2009]

(9) Child care allowance provided for in subsections (1) and (1¹) of this section shall not be paid if parental benefit is paid to the parent pursuant to the Parental Benefit Act. [RT I 2008, 56, 313 - entry into force 01.01.2009]

§ 7. Single parent's child allowance

(1) A child whose birth registration or vital statistics data entered in the population register contains no entry concerning the father or an entry has been made on the basis of a statement by the mother or whose parent has been declared to be a fugitive pursuant to the procedure established by law and who meets the requirements provided for in subsection 5 (1) or (2) of this Act has the right to receive a single parent's child allowance. [RT I 2009, 30, 177 - entry into force 01.07.2010]

(2) Single parent's child allowance shall be paid at twice the child allowance rate.

§ 8. Conscript's child allowance or child allowance of person in alternative service

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(1) A child of a person in compulsory military service or alternative service in Estonia who meets the requirements provided for in subsection 5 (1) or (2) of this Act has the right to receive conscript's child allowance or child allowance of person in alternative service.

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) Conscript's child allowance or child allowance of person in alternative service shall be paid at five times the child allowance rate.

[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

§ 9. Foster care allowance

(1) Foster care allowance shall be paid for a child without parental care, if guardianship has been established for him or her or a foster care contract has been entered into with respect to him or her, and who meets the requirements provided for in subsection 5 (1) or (2) of this Act.

(2) Upon termination of guardianship or foster care when a child attains 18 years of age, payment of an allowance shall continue until the end of the school year when the child attains 19 years of age.

(3) Foster care allowance shall be paid at twenty times the child allowance rate.

[RT I 2007, 71, 435 - entry into force 01.01.2008]

§ 9¹. Parent's allowance for families with seven or more children

(1) One parent, guardian or a caregiver raising seven or more children in a family who comply with the requirements provided for in subsection 5 (1) or (2) of this Act has the right to receive a parent's allowance for families with seven or more children.

(2) Parent's allowance for families with seven or more children shall be paid:

- 1) in 2005, twice the child care allowance rate;
- 2) in 2006, 2.1 times the child care allowance rate;
- 3) starting from 2007, 2.2 times the child care allowance rate.

[RT I 2005, 9, 34 - entry into force 09.02.2005]

Chapter 3 SINGLE FAMILY BENEFITS

§ 10. Childbirth allowance

(1) One of the parents has the right to receive childbirth allowance in case of birth of a child. The amount of childbirth allowance shall be 320 euros for each child born.

[RT I, 22.12.2012, 14 - entry into force 01.07.2013]

(2) In the case of a multiple birth of three or more children, the amount of childbirth allowance shall be 1000 euros for each child.

[RT I, 22.12.2012, 14 - entry into force 01.07.2013]

(3) Childbirth allowance shall not be paid for a stillborn child.

[RT I, 22.12.2012, 14 - entry into force 01.07.2013]

(4) An adoptive parent, guardian or caregiver has the right to receive childbirth allowance, if childbirth allowance has not been paid for the same child earlier.

§ 11. Adoption allowance

(1) An adoptive parent residing in Estonia permanently or on the basis of a temporary residence permit or a temporary right of residence from whom an adopted child does not descend and who is not the spouse of a parent of the child has the right to receive adoption allowance, if childbirth allowance has not been paid to the family for the same child earlier.

[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(2) Adoption allowance shall be paid in the amount of 320 euros for each child adopted.

[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 12. Start in independent life allowance

(1) A person without parental care who was raised in a social welfare institution or a school for students with special needs or for whom guardianship was established or with respect to whom a written foster care contract was entered into has the right to receive a start in independent life allowance if he or she settles independently in a new residence not later than within two years after cancelling of enrolment in the social welfare institution or school for students with special needs or termination of guardianship or a foster care contract.

[RT I 2006, 55, 409 - entry into force 01.01.2007]

(2) Start in independent life allowance shall be paid at forty times the child allowance rate.

(3) [Repealed - RT I 2006, 55, 409 - entry into force 01.01.2007]

Chapter 3¹ NEEDS-BASED FAMILY BENEFIT

[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

§ 12¹. Needs-based family benefit

(1) Needs-based family benefits shall be granted and paid by rural municipality and city governments to the extent of, under the conditions and pursuant to the procedure established by the Social Welfare Act.

(2) The provisions of Chapters 5–8 of this Act shall not apply to needs-based family benefits.

[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

Chapter 4 [Repealed - RT I 2008, 56, 313 - entry into force 01.01.2009]

Chapter 5 APPLICATION FOR FAMILY BENEFITS

§ 15. Applicant for family benefits

The mother, father, guardian or caregiver of a child or one of the following persons may apply for family benefits:

- 1) a person, other than a parent, who uses parental leave;
- 2) a parent's spouse or foster parent raising the child, on the basis of an order by a rural municipality or city government;

[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

- 2¹) a parent's spouse raising the child;
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]
3) a child without parental care who is at least 15 years of age and does not stay in a social welfare institution due to studying;
4) a person without parental care and who settles independently in a new residence after having been raised in a social welfare institution or a school for students with special needs or after termination of guardianship or a foster care contract.
[RT I 2006, 55, 409 - entry into force 01.01.2007]

§ 16. Documents necessary for application for family benefits

- (1) The following basic documents shall be submitted for application for family benefits:
1) an application;
2) a document specified in subsection 2 (2) of the Identity Documents Act.
[RT I 2003, 82, 549 - entry into force 01.01.2004]
- (2) The Minister of Social Affairs shall establish the format of applications for family benefits and the list of necessary additional documents.
- (3) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]
- (4) Original documents or notarised copies or extracts shall be submitted upon application for family benefits. The Social Insurance Board shall certify the copies of original documents to be kept by the Social Insurance Board. All original documents shall be returned.

§ 17. Application for family benefits

- (1) In order to apply for family benefits, an applicant for family benefits (hereinafter *applicant*) shall submit an application to the Social Insurance Board.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]
- (2) The residence which is entered in the population register is deemed to be the residence of the applicant who is the subject of the population register. If the applicant is not a subject of the population register, the applicant shall determine his or her residence himself or herself.
[RT I, 14.03.2011, 1 - entry into force 01.01.2012]
- (3) [Repealed - RT I, 06.12.2012, 1 - entry into force 01.01.2013]
- (4) The date on which an application is received is deemed to be the date of application for benefits. If the application is sent by post, the date on the date stamp of the place from which the application is sent is deemed to be the date of application for benefits.

§ 18. Review of applications

- (1) The Social Insurance Board shall review the documents submitted for application for family benefits at the earliest opportunity.
- (2) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]
- (3) If the Social Insurance Board sets a term for an applicant for elimination of the deficiencies contained in the application and the applicant eliminates the deficiencies as required, the date on which the application was received or the date on the date stamp of the place from which the application was sent is deemed to be the date of application for the benefit. If the applicant fails to eliminate the deficiencies within the set term, the Social Insurance Board shall make a decision on the basis of the existing documents.
[RT I 2002, 61, 375 - entry into force 01.08.2002]

Chapter 6 GRANT OF FAMILY BENEFITS

§ 19. Determination of amount of family benefits

- (1) In order to determine the amount of family benefits, all children raised in a family who have the right to receive child allowance shall be taken into account.
[RT I 2003, 88, 592 - entry into force 01.01.2004]
- (2) Upon determination of the amount of family benefits, a child who temporarily does not live in the family due to special needs caused by a disability or due to studying is deemed to be a member of the family.
- (3) Upon determination of the amount of family benefits, the following children are not deemed to be members of the family of a parent applying for family benefits:

- 1) children who are residing with a parent, parent's spouse or foster parent living apart;
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]
- 2) children who are under guardianship or foster care in another family;
- 3) children who are adopted by another family;
- 4) children who permanently reside in a social welfare institution;
- 5) children who are in a custodial institution as prisoners, persons in detention or custody.
[RT I 2008, 48, 264 - entry into force 23.11.2008]

(4) [Repealed - RT I 2003, 88, 592 - entry into force 01.01.2004]

§ 20. Bases for calculation of family benefits

(1) The amount of child allowance, single parent's child allowance, conscript's child allowance, child allowance of person in alternative service and foster care allowance shall be calculated on the basis of the child allowance rate in force on the date of grant of the allowance. Upon amendment of the child allowance rate, the allowance shall be recalculated as of the date of establishment of a new child allowance rate.
[RT I, 10.07.2012, 2 - entry into force 01.04.2013]

(2) The amount of child care allowance and the amount of parent's allowance for families with seven or more children shall be calculated on the basis of the child allowance rate in force on the date of grant of the allowance. Upon amendment of the child care allowance rate, the allowance shall be recalculated as of the date of establishment of a new child care allowance rate.

(3) Childbirth allowance shall be paid in the amount in force on the date of birth of the child.
[RT I 2005, 65, 497 - entry into force 01.01.2006]

(4) Adoption allowance shall be paid in the amount in force on the date of entry into force of the court ruling on adoption.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(5) The amount of start in independent life allowance shall be calculated on the basis of the child allowance rate in force on the date of moving to a new residence.

(6) [Repealed - RT I 2006, 55, 409 - entry into force 01.07.2007]

(7) [Repealed - RT I 2008, 56, 313 - entry into force 01.01.2009]

§ 21. Term for grant of family benefits

(1) A monthly family benefit shall be granted from the date on which the right to the benefit provided for in this Act arises if the documents necessary for application for the benefit are submitted within six months from the date on which the right to the benefit arises.

(2) Upon a later application for a monthly family benefit, the benefit shall be granted retroactively, but for not more than the six calendar months preceding the month of submission of the application.

(3) Childbirth allowance shall be granted if the allowance has been applied for within six months as of the birth of the child.

(4) Adoption allowance shall be granted if the allowance has been applied for within six months as of entry into force of the court ruling on adoption.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(5) Start in independent life allowance shall be granted if the allowance has been applied for within six months after the child settles independently in a new residence.
[RT I 2006, 55, 409 - entry into force 01.01.2007]

(6) [Repealed - RT I 2008, 56, 313 - entry into force 01.01.2009]

(7) Family benefits shall be granted for the period during which a person fulfils the conditions provided for in this Act.

§ 22. Decision to grant family benefits

(1) The Social Insurance Board shall decide on the grant of family benefits or refusal to grant family benefits. Family benefits shall be granted to an applicant who fulfils the conditions provided for in this Act.

(2) [Repealed - RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(3) decision to grant or to refuse to grant family benefits shall be prepared in writing in two original copies and shall consist of:

1) an introduction which sets out the name of the official who makes the decision and the date on which the decision is made;

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

2) a descriptive part which contains a summary of the application of the applicant for benefits;

3) the reasons of the decision which indicate the documents and evidence, and circumstances and reference to the provisions of legislation on which the decision is based;

4) the conclusion of the decision which includes an opinion on the satisfaction of or refusal to satisfy the application;

5) information on the procedure and term for contestation against the decision;

6) a notation concerning the manner of notification of the decision;

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

7) the signature of the official who makes the decision.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(4) An applicant shall be notified of refusal to grant family benefits in writing within five working days as of the date on which the decision is made.

§ 23. Grounds for refusal to grant family benefits

Family benefits shall not be granted if the conditions established for the grant of family benefits are not fulfilled.

Chapter 7 PAYMENT OF FAMILY BENEFITS

§ 24. Payment of family benefits

(1) Family benefits shall be paid monthly for the current month according to the request of the recipient of the benefits:

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

1) to his or her bank account in Estonia;

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

2) on the basis of a written application of the recipient of the benefits prepared at the Social Insurance Board or a notarised application, into the bank account of a third party, including a local government, in Estonia; or

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

3) into his or her bank account in a foreign state, whereas the recipient of the benefits shall pay the fees charged by its payment service provider, unless otherwise provided by an international agreement.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(1¹) If other social insurance benefits are paid to the recipient of family benefits through the Social Insurance Board as home delivery by post, the same method of payment shall be applied to the payment of family benefits.
[RT I 2008, 48, 264 - entry into force 23.11.2008]

(2) Payment of family benefits shall continue when a child attains 16 years of age after receiving of information concerning continuation of studies from the Estonian Education Information System specified in subsection 36⁶(1) of the Republic of Estonia Education Act or after submission of a student card or a statement from an educational institution until the day which precedes the beginning of a school year. Upon later submission of a student card or a statement from an educational institution, benefits shall be paid retroactively, but for not more than the six months preceding the submission of the document.

(3) If a child who is not less than 16 years of age graduates from an upper secondary school or completes formal vocational education, payment of family benefits shall be terminated as of the month following the graduation. Upon continuation of studies in an educational institution during the same calendar year, if studying in the educational institution grants the right to receive family benefits, benefits shall be paid retroactively after receiving of information concerning continuation of studies from the Estonian Education Information System or submission of a student card or a statement from the educational institution for the period from termination of payment of benefits.

[RT I, 22.12.2013, 4 - entry into force 01.01.2014]

(3¹) If a child who is not less than 16 years of age or a child who attains 16 years of age before the beginning of a new school year graduates from a basic school, family benefits shall be paid until the day which precedes the beginning of the new school year. Upon continuation of studies in an educational institution during the same calendar year, if studying in the educational institution grants the right to receive family benefits, benefits shall be paid retroactively after receiving of information concerning continuation of studies from the Estonian Education Information System or submission of a student card or a statement from the educational institution for the period from termination of payment of benefits.

[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(4) [Repealed - RT I 2008, 56, 313 - entry into force 01.01.2009]

(5) [Repealed - RT I 2008, 56, 313 - entry into force 01.01.2009]

(6) [Repealed - RT I 2006, 55, 409 - entry into force 01.07.2007]

(7) Family benefits not received by the date of death of a recipient of benefits shall be paid to another person on the basis of his or her application if he or she fulfils the conditions provided for in this Act, but for not more than the six months preceding the submission of the application.

(8) Upon payment of benefits, amounts shall be rounded to the accuracy of one cent.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

§ 25. Specifications of payment of family benefits

(1) Family benefits shall not be paid to a child without parental care who permanently resides in a social welfare institution or a school for students with special needs or a child who is in a custodial institution as a prisoner, person in detention or custody. Child allowance and single parent's child allowance shall be paid to a child without parental care who does not stay in a social welfare institution due to studying if he or she fulfils the conditions for receiving the specified allowances provided for in this Act.
[RT I 2008, 56, 313 - entry into force 01.01.2009]

(1¹) If a person is taken into custody as a preventive measure, payment of his or her family benefits shall be suspended for the time the person is held in custody. The family benefits shall be paid to the person retroactively after a court judgment enters into force if the person is acquitted or is not subject to punishment by imprisonment.
[RT I 2008, 48, 264 - entry into force 23.11.2008]

(2) Family benefits, except child care allowance and foster care allowance, shall be paid for a child who temporarily stays in a social welfare institution or a school for students with special needs due to special needs caused by a disability, if the child fulfils the conditions for receiving the specified benefits provided for in this Act.

(3) Social welfare institutions and schools for students with special needs shall notify the Social Insurance Board monthly of children without parental care who during the given month have permanently settled in a social welfare institution or a school for students with special needs, and of disabled children who during the given month have temporarily settled in a social welfare institution or a school for students with special needs due to special needs caused by a disability.
[RT I 2005, 9, 34 - entry into force 09.02.2005]

§ 26. Suspension and continuation of payment of family benefits which are not collected

The Social Insurance Board shall suspend payment of benefits if the benefits paid by post are not collected for at least six months. After submission of a corresponding application and a document provided for in clause 16 (1) 2) of this Act, the benefits shall be paid to the applicant.

§ 27. Continuation of payment of family benefits to recipient of benefits who has changed residence

[Repealed - RT I, 06.12.2012, 1 - entry into force 01.01.2013]

§ 28. Suspension and continuation of payment of family benefits prescribed for children without parental care

(1) The Social Insurance Board shall temporarily suspend payment of family benefits on the basis of an order by a rural municipality or city government if a parent does not fulfil the obligation arising from the Family Law Act to raise a child and to care for him or her.

(2) If the reasons specified in subsection (1) of this section cease to exist, the Social Insurance Board shall continue to pay family benefits to the parent on the basis of an order by a rural municipality or city government or on the basis of a court judgment.

(3) The Social Insurance Board shall continue payment of family benefits prescribed for a child without parental care to a parent's spouse, foster parent, guardian or foster family on the basis of an order by a rural municipality or city government, a court judgment or a foster care contract.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(4) The Social Insurance Board shall continue payment of family benefits to a child without parental care who begins to live independently and who meets the conditions provided for in subsection 5 (1) or (2) of this Act on the basis of an order by a rural municipality or city government.

(5) Upon continuation of payment of family benefits in the cases provided for in subsections (3) and (4) of this section, the benefits shall be paid retroactively for not more than the six calendar months preceding the submission of the corresponding application.

(6) If, during suspension of payment of family benefits, a child stays in a social welfare institution, the benefits shall not be paid retroactively for the period the child stayed in the social welfare institution.

§ 29. Change in and termination of payment of family benefits

(1) The recipient of benefits is required to notify the Social Insurance Board of circumstances which affect the grant of family benefits or the amount of benefits in writing within ten days after the circumstances arise.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(2) If a parent is declared to be a fugitive pursuant to the procedure established by law and the search is terminated, an agency engaged in searching is required to send a notice on termination of the search to the Social Insurance Board within five working days as of termination of the search.

(3) If circumstances provided for in subsection (1) of this section become evident, a single family benefit shall not be paid; payment of a monthly benefit shall be terminated as of the month following the month in which such circumstances arise. If the circumstances affect the amount of a benefit, the benefit shall be paid in the new amount as of the month following the month in which such circumstances arise.
[RT I 2008, 56, 313 - entry into force 01.01.2009]

(4) Payment of an allowance granted pursuant to § 7 of this Act shall be terminated:
1) as of the month following the termination of the search of a parent or the grant of survivor's pension or national pension upon loss of a provider for the same parent;
[RT I 2008, 56, 313 - entry into force 24.12.2008]

2) as of the month following a court ruling on establishment of paternal filiation;
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

3) as of the month following the grant of survivor's pension upon the loss of a parent's spouse or foster parent or national pension upon loss of a provider.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(5) Payment of a benefit shall be terminated if the benefit is granted without legal basis by the fault of the Social Insurance Board. A decision to terminate payment of a benefit shall be sent to the recipient of the benefit by post within five working days as of the date on which the decision is made.

(6) A recipient of family benefits has the right to decline the benefits. Payment of the family benefits shall be terminated as of the month following the submission of a corresponding written application.

§ 30. Reclamation of family benefits

(1) If it becomes evident that a recipient of benefits has knowingly submitted false information or has failed to give notice of the circumstances which affect the grant of family benefits, the amounts of family benefits which are overpaid shall be reclaimed or set off.

(2) If a person fails to repay family benefits received without legal basis, the overpaid amounts may be deducted from the family benefits prescribed for him or her on the basis of a decision of the Social Insurance Board. The amount to be withheld shall not exceed 20 per cent of the amount of benefits granted to the person.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(2¹) The benefit granted on the basis of § 7 of this Act shall be reclaimed in the amount that overlaps with the survivor's pension or national pension upon the loss of a provider paid for the same parent, parent's spouse or foster parent.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(3) If payment of family benefits is terminated before the complete offsetting of the overpaid amount, a precept together with a warning shall be issued to the person for reclamation of the overpaid amounts. Upon failure to comply with the precept within a term set out in the warning, the Social Insurance Board has the right to issue a precept for compulsory execution pursuant to the procedure provided in the Code of Enforcement Procedure.
[RT I 2005, 39, 308 - entry into force 01.01.2006]

(4) A precept together with a warning shall be sent to a recipient of benefits by post within five working days as of the date of issue of the precept and the warning.

(5) If there is no information concerning the address of a person or if a person does not live at the address known and if the actual location of the person is unknown and the precept cannot be delivered in any other

manner, the resolution contained in the precept shall be published in the official publication *Ametlikud Teadaanded*.

[RT I 2008, 48, 264 - entry into force 23.11.2008]

§ 31. Entry of data concerning family benefits in register

(1) Data concerning the grant, bases for grant and payment of family benefits shall be entered in the state pension insurance register established pursuant to the State Pension Insurance Act.

(1¹) The following information necessary for the grant of family benefits shall be entered in the state pension insurance register from the Estonian Education Information System founded on the basis of subsection 36⁶(4) of the Republic of Estonia Education Act:

- 1) [repealed - RT I 2008, 56, 313 - entry into force 01.01.2009]
- 2) information on children who are not less than 16 years of age and continue studies in an educational institution in which studying grants the right to receive family benefits;
- 3) information on children between 16 and 19 years of age who are enrolled in a basic school, upper secondary school, vocational training on the basis of basic education or without the requirement of basic education, or who are without secondary education and are enrolled in formal vocational education and who complete or discontinue the studies.

[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

(1²) Personal data relating to an applicant for the family benefit and the child and the other data necessary for the grant of the benefit shall be entered in the state pension insurance register from the population register.

(1³) Data concerning the parental leave of an applicant for and a recipient of family benefits shall be entered in the state pension insurance register from the employment register provided for in § 25¹ of the Taxation Act.
[RT I, 16.04.2014, 3 - entry into force 01.07.2014]

(1⁴) Data concerning the employment of an applicant for and a recipient of family benefits shall be entered in the state pension insurance register from the employment register provided for in § 25¹ of the Taxation Act for the grant and payment of family benefits pursuant to Regulation (EC) No 883/2004 of the European Parliament and of the Council on the coordination of social security systems (OJ L 166, 30.04.2004, p. 1–123) and Regulation (EC) No 987/2009 of the European Parliament and Council laying down the procedure for implementing Regulation (EC) No 883/2004 on the coordination of social security systems (OJ L 284, 30.10.2009, p. 1–42). Grant and payment of family benefits shall be based on the data entered in the state pension insurance register from the employment register provided for in § 25¹ of the Taxation Act.
[RT I, 16.04.2014, 3 - entry into force 01.07.2014]

(2) Data shall be entered in and received from the register pursuant to the Public Information Act and the Personal Data Protection Act.

[RT I 2007, 24, 127 - entry into force 01.01.2008]

Chapter 8 FINAL PROVISIONS

§ 32. Resolution of disputes

(1) If an applicant for family benefits does not agree with a decision of the Social Insurance Board, he or she has the right to file a challenge with the Social Insurance Board pursuant to the procedure provided for in the Administrative Procedure Act.

(2) A challenge shall be resolved within 30 days after registration of the challenge by the Social Insurance Board.

(3) If an applicant for the benefits disagrees with a decision on the challenge, he or she has the right of recourse to an administrative court within thirty days as of the date on which the person is notified of the decision on the challenge.

[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

§ 33. Continued payment of family benefits granted earlier

Family benefits shall be paid to persons to whom family benefits have been granted before 1 January 2002, but who are not deemed to be persons with the right to receive family benefits pursuant to § 2 of this Act, if they fulfil other conditions provided for in this Act.

§ 33¹. Specification of application of term for grant of start in independent life allowance

If the right to receive a start in independent life allowance arose before 1 January 2007, then the start in independent life allowance shall be granted if an application is submitted within two years after the right arises.
[RT I 2006, 55, 409 - entry into force 01.01.2007]

§ 33². Payment of family benefits

(1) Family benefits shall be paid pursuant to the procedure provided for in subsections 24 (1) and (1¹) as of 1 February 2009.

(2) Until 1 February 2009, family benefits shall be paid monthly for the current month through the Social Insurance Board either to the bank account of the recipient of the benefits or by post at the expense of the payer of the benefits as requested by the recipient. Family benefits shall be paid to the bank account of the recipient of the benefits in a foreign state at the expense of the recipient, unless otherwise provided by an international agreement.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

(3) The family benefits granted before 1 February 2009 shall be paid pursuant to the procedure provided for in § 24 of this Act as of 1 February 2009.

(4) If the recipient of benefits does not notify the Social Insurance Board of his or her bank account number or submit an application in accordance with subsection 24 (1) of this Act and it is therefore not possible to pay the benefits pursuant to the procedure provided for in § 24 of this Act, payment of the benefits shall be suspended as of 1 February 2009. After submission of the corresponding application and a document provided for in subsection 2 (2) of the Identity Documents Act, the benefits shall be paid retroactively.
[RT I, 06.12.2012, 1 - entry into force 01.01.2013]

§ 33³. Payment of school allowance for school year 2008–2009

School allowance for the school year 2008–2009 shall be granted after 1 January 2009 if the allowance has been applied for within six months after the beginning of the specified school year. The allowance shall be granted and paid under the conditions and pursuant to the procedure in force before 1 January 2009.
[RT I 2008, 56, 313 - entry into force 01.01.2009]

§ 33⁴. Specifications for enrolment in vocational training

A child who is enrolled in vocational training on the basis of basic education or without the requirement of basic education has the right to receive child allowance established in subsection 5 (2) of this Act under the same conditions as a child enrolled in formal vocational education.
[RT I, 02.07.2013, 1 - entry into force 01.09.2013]

§ 34. Amendment of legislation

[Omitted from this text.]

§ 35. Repeal of legislation

[Omitted from this text.]

§ 36. Entry into force of Act

This Act enters into force on 1 January 2002.