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Social Welfare Act

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17.12.2003	RT I 2003, 88, 591	01.01.2004
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13.04.2005	RT I 2005, 24, 181	01.11.2005
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12.10.2005	RT I 2005, 57, 451	18.11.2005
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15.11.2006	RT I 2006, 55, 405	01.01.2007, partially01.02.2007
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15.11.2006	RT I 2006, 55, 405	01.01.2007, partially01.02.2007, 01.08.2007
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14.06.2007	RT I 2007, 45, 320	20.07.2007
22.05.2008	RT I 2008, 24, 156	01.09.2008
22.10.2008	RT I 2008, 48, 264	01.02.2009
22.10.2008	RT I 2008, 48, 265	01.05.2009
17.12.2008	RT I 2008, 58, 329	01.01.2009
17.12.2008	RT I 2008, 58, 329	01.03.2009
28.01.2009	RT I 2009, 11, 67	01.07.2009

18.06.2009	RT I 2009, 35, 232	06.07.2009
30.09.2009	RT I 2009, 49, 331	01.01.2010
01.10.2009	RT I 2009, 49, 332	31.10.2009
29.10.2009	RT I 2009, 53, 360	01.01.2010, partially12.11.2009
18.11.2009	RT I 2009, 60, 395	01.07.2010
28.01.2010	RT I 2010, 8, 39	27.02.2010, partially01.04.2010, 01.06.2010, 01.09.2010 and 01.04.2011
25.02.2010	RT I 2010, 11, 56	28.03.2010, partially01.04.2010
07.04.2010	RT I 2010, 18, 97	16.05.2010
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).
05.05.2010	RT I 2010, 24, 115	01.09.2010
03.06.2010	RT I 2010, 35, 192	08.07.2010
09.06.2010	RT I 2010, 41, 240	01.09.2010
10.02.2011	RT I, 03.03.2011, 3	13.03.2011
23.02.2011	RT I, 25.03.2011, 1	01.01.2014; date of entry into force changed 01.07.2014 [RT I, 22.12.2013, 1]
06.12.2011	RT I, 21.12.2011, 2	01.01.2012
08.12.2011	RT I, 29.12.2011, 1	01.01.2012
15.12.2011	RT I, 30.12.2011, 3	09.01.2012, partially01.01.2012
14.11.2012	RT I, 06.12.2012, 1	01.01.2013
07.12.2012	RT I, 22.12.2012, 2	01.01.2013
12.12.2012	RT I, 22.12.2012, 14	01.01.2013, partially01.06.2013, 01.07.2013 and 01.01.2015
28.03.2013	RT I, 18.04.2013, 2	28.04.2013
20.06.2013	RT I, 06.07.2013, 1	01.01.2014
21.11.2013	RT I, 13.12.2013, 5	23.12.2013
05.12.2013	RT I, 22.12.2013, 1	01.01.2014
19.02.2014	RT I, 13.03.2014, 4	01.07.2014
26.02.2014	RT I, 21.03.2014, 1	31.03.2014, partially01.01.2015
26.03.2014	RT I, 16.04.2014, 3	01.07.2014
05.06.2014	RT I, 29.06.2014, 1	01.07.2014
19.06.2014	RT I, 04.07.2014, 13	01.01.2015
19.06.2014	RT I, 29.06.2014, 109	01.07.2014, the titles of ministers replaced on the basis of subsection 107 ³ (4) of the Government of the Republic Act.
19.11.2014	RT I, 04.12.2014, 4	01.01.2015
19.11.2014	RT I, 13.12.2014, 2	01.01.2016, partially01.01.2015, 01.06.2015, 01.01.2018 and 01.07.2018
02.02.2015	RT I, 04.02.2015, 1	02.02.2015 - To declare that subsection 22 ² (2) of the Social Welfare Act in the wording in force until 31 December 2014 was in conflict with the Constitution to the extent this did not allow to exclude special allowance paid from a special allowance fund established by an educational institution on the basis of subsection 5 (5) of the Study Allowances and Study Loans Act from the income upon calculation of a subsistence benefit.

Chapter 1

GENERAL PROVISIONS

§ 1. Purpose of Act

(1) This Act provides the organisational, economic and legal bases for social welfare, and regulates the relations relating to social welfare.

(2) 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. Definitions

In this Act, the following definitions are used:

- 1) "social welfare" means a system of procedures related to the provision or grant of social services, social benefits, emergency social assistance and other assistance;
- 2) "coping" means the physical or psycho-social ability of a person or family to manage in everyday life;
- 3) "social service" means a non-monetary benefit which contributes towards the ability of a person or family to cope;
- 4) "social benefit" means a monetary benefit provided to contribute towards the ability of a person or family to cope;
- 5) "other assistance" means activities directed at improving the social environment and increasing social security;
- 6) "social housing" means a dwelling in municipal ownership provided to a person in need of social services;
- 7) [repealed - RT I 2010, 8, 39 - entry into force 01.04.2011]
- 8) [repealed - RT I 2010, 8, 39 - entry into force 01.04.2011]
- 9) [repealed - RT I 2010, 8, 39 - entry into force 01.04.2011]
- 9¹) [repealed - RT I 2010, 8, 39 - entry into force 01.09.2010]
- 10) "welfare worker" means a person with appropriate training employed in social welfare;
- 11) "social worker" means a person with higher education and appropriate professional training;
- 12) "emergency social assistance" means necessary social welfare measures in correspondence with the situation of a person without sufficient means of subsistence which guarantees the person at least food, clothing and temporary abode.

§ 3. Principles and purposes of social welfare

(1) The principles of social welfare are:

- 1) the observation of human rights;
- 2) the responsibility of persons for their own and their family members' ability to cope;
- 3) the obligation to provide assistance if the potential for a person or family to cope is insufficient;
- 4) the promotion of the ability of persons and families to cope.

(2) The purposes of social welfare are to provide assistance to persons or families in preventing, eliminating and relieving difficulties in coping, and to assist persons with special social needs in social security, development and integration into society.

§ 4. Social welfare subject

(1) The following have the right to receive social services, social benefits and other assistance:

- 1) permanent residents of Estonia;
- 2) aliens residing in Estonia on the basis of residence permits or right of residence;
- 3) persons enjoying international protection staying in Estonia.

(2) Persons lawfully staying in Estonia who meet the requirements provided for in § 23¹ of this Act have the right to receive benefits provided for in the specified section.

(3) Every person staying in Estonia has the right to receive emergency social assistance.

[RT I 2006, 26, 191 - entry into force 01.08.2006]

Chapter 2

ADMINISTRATION OF SOCIAL WELFARE

§ 5. Administration of social welfare

- (1) Social welfare is administered by the minister responsible for the area, the county governors and the local governments.
- (2) State social welfare is administered by the minister responsible for the area and the county governors.
- (3) County governors administer state social welfare in counties through the appropriate department of the county government.
- (4) Local government social welfare is administered by the rural municipality or city government.
- (5) [Repealed - RT I 2001, 85, 509 - entry into force 01.01.2002]

§ 6. Duties of minister responsible for the area in management and administration of social welfare

The duties of the minister responsible for the area in the management and administration of social welfare are:

- 1) development of national social welfare policy;
- 2) drafting of acts and other legislation regulating social welfare;
- 3) development and co-ordination and administration of national social welfare programs and projects;
- 4) specification of training standards for welfare workers, participation in the organisation of training;
- 5) [repealed - RT I 2010, 8, 39 - entry into force 27.02.2010]
- 6) organisation of the manufacture and procurement of prosthetic, orthopaedic and other appliances and identification of the demand therefor;
- 7) collection and analysis of information and statistics relating to social welfare and dissemination thereof to the general public;
[RT I 2010, 8, 39 - entry into force 01.04.2010]
- 8) [repealed - RT I 2010, 8, 39 - entry into force 01.04.2011]
- 8¹) establishment of the formats of statistical reports relating to social welfare and the procedure for the submission thereof;
[RT I 2004, 89, 605 - entry into force 01.01.2005]
- 9) requesting supplementary financial resources for local governments for social welfare;
- 10) [repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 11) organisation of adoption from and to foreign states and maintenance of a corresponding register;
- 12) licensing of social welfare institutions and welfare workers;
- 13) performance of other duties related to social welfare assigned to the Minister of Social Affairs by other Acts or legislation.

§ 7. Duties of county governor in administration of social welfare

(1) In co-operation with local government bodies and other legal persons and natural persons, the duties of county governors in the administration of social welfare are, within the limits of their competence:

- 1) development of social welfare policy of the county;
- 2) development, co-ordination and administration of social welfare programs and projects in the county;
- 3) organisation of training for county welfare workers;
- 4) [repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 5) organisation of supply of prosthetic, orthopaedic and other appliances in the county;
- 6) collection and analysis of information relating to social welfare in the county and dissemination of information to the rural municipality and city governments and the general public;
- 6¹) collection of statistical reports relating to social welfare from counties and preparation and submission of consolidated reports pursuant to the procedure established on the basis of clause 6 8¹) of this Act;
- 7) [repealed - RT I 2010, 8, 39 - entry into force 01.04.2011]
- 7¹) organisation of substitute home services and financing of state-funded childcare services pursuant to this Act;
[RT I, 18.04.2013, 2 - entry into force 28.04.2013]
- 8) [repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 9) organisation of adoption and maintenance of a corresponding register;
- 10) performance of other duties related to social welfare assigned to the Minister of Social Affairs by other Acts or legislation.

(2) [Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) A county governor has the right to delegate, on the basis of a contract under public law, performance of the duties provided for in clause (1) 5) of this section which are assigned to him or her to a local government.

§ 8. Duties of local governments in administration of social welfare

The duties of local governments in the administration of social welfare are:

- 1) drafting of a local social welfare development plan as a part of the rural municipality or city development plan;
- 2) administration of the provision of social services, emergency social assistance and other assistance, and the grant and payment of social benefits;
- 2¹) preparation of statistical reports relating to social welfare and submission of the reports to county governors pursuant to the procedure established on the basis of clause 6 8¹) of this Act.
- 3) [repealed - RT I 2010, 8, 39 - entry into force 01.04.2011]
- 4) [repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 9. Social welfare coverage

(1) The rural municipality or city government of a person's residence is required to administer the provision of social services, social benefits, emergency social assistance and other assistance to persons who reside in the rural municipality or city.

(2) The provision of social services, emergency social assistance and other assistance to a person staying outside his or her residence is, in agreement with the rural municipality or city government of the person's residence, administered by the rural municipality or city government in whose administrative jurisdiction the person is staying.

(3) The provision of social services, emergency social assistance and other assistance to a person whose residence cannot be determined is administered by the rural municipality or city government in whose administrative jurisdiction the person is staying at the time he or she is in need of assistance.

(4) The provision of social services, social benefits, emergency social assistance and other assistance to a person who is released from a penal institution is administered by the rural municipality or city government in whose administrative jurisdiction the person last resided or, if his or her family members have changed their residence, by the rural municipality or city government of the residence of the family members once the person resides with such family members.

(5) The provision of emergency social assistance to an alien temporarily staying in Estonia is administered by the rural municipality or city government in whose administrative jurisdiction the person is staying at the time he or she is in need of assistance.

Chapter 3 SOCIAL SERVICES

Division 1 General Part

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 10. Social services

Social services are:

- 1) social counselling;
- 1¹) rehabilitation service;
- 1²) everyday life support service;
[RT I 2008, 58, 329 - entry into force 01.01.2009]
- 1³) employment support service;
[RT I 2008, 58, 329 - entry into force 01.01.2009]
- 1⁴) supported living service;
[RT I 2008, 58, 329 - entry into force 01.01.2009]
- 1⁵) community living service;
[RT I 2008, 58, 329 - entry into force 01.01.2009]
- 1⁶) 24-hour special care service;
[RT I 2008, 58, 329 - entry into force 01.01.2009]
- 2) provision of prosthetic, orthopaedic and other appliances;
- 2¹) childcare service;
[RT I 2006, 55, 405 - entry into force 01.01.2007]
- 3) domestic services;
- 4) housing services;

- 5) foster care;
- 5¹) substitute home service;
[RT I 2006, 55, 405 - entry into force 01.01.2007]
- 6) care in social welfare institutions;
- 7) other social services needed for coping.

§ 10¹. Prohibition on provision of social services

[Repealed - RT I, 13.12.2013, 5 - entry into force 23.12.2013]

Division 2 Social Counselling

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11. Social Counselling

(1) Social counselling is the provision to a person of necessary information about social rights and opportunities for protecting lawful interests, and assistance in solving specific social problems in order to contribute towards future coping.

(2) Counsellors are welfare workers who have received special training for counselling work.

(3) Social counselling in a rural municipality or city is organised by the corresponding rural municipality or city government.

Division 3 Rehabilitation Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11¹. Rehabilitation service

Rehabilitation service means a service provided to support the ability of persons to cope independently, their social integration and employment or commencement of employment in the framework of which:

1) a rehabilitation plan with a term of validity of six months to five years is prepared. A rehabilitation plan with a term of validity of six months to three years is prepared for a minor;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

2) services specified in the list established by the Government of the Republic and set out in the rehabilitation plan are provided;

3) a person is instructed how to carry out activities described in the rehabilitation plan.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

§ 11². Person entitled to receive rehabilitation service provided by state

(1) The following have the right to receive rehabilitation services provided by the state:

1) persons with a disability within the meaning of § 2 of the Social Benefits for Disabled Persons Act;

2) persons specified in § 2¹ of the Social Benefits for Disabled Persons Act;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

3) on the basis of a decision of a juvenile committee persons specified in subsections 1 (2) and (3) of the Juvenile Sanctions Act;

4) persons of 16 years of age until attaining the pensionable age provided for in § 7 of the State Pension Insurance Act, provided that they have a mental disorder and their percentage of loss of capacity for work is at least 40.

(2) The list of services provided to persons specified in subsection (1) of this section within the framework of rehabilitation services, the prices of services and the maximum cost of rehabilitation services financed by the state per person in one calendar year shall be established by the Government of the Republic.

(3) The Government of the Republic shall establish the prices of accommodation provided to persons specified in subsection (1) of this section and, if necessary, representatives of persons under 16 years of age specified in clauses (1) 1–3) of this Act and the maximum cost of accommodation financed by the state per person in one calendar year where, for the provision of rehabilitation services, it is reasonable that a person stays at a place where rehabilitation services are provided 24 hours a day.

(4) The conditions and procedure for compensation for travel expenses to persons specified in subsection (1) of this section and, if necessary, to their representatives, if their places of residence are outside of the local

government where the rehabilitation services are provided, shall be established by the Government of the Republic.

[RT I 2005, 38, 299 - entry into force 01.11.2005]

§ 11³. Provision of rehabilitation service

(1) The Social Insurance Board shall ensure the provision of rehabilitation services to persons specified in subsection 11²(1) of this Act.

(2) These authorities administered by governmental authorities which, according to their statutes, provide rehabilitation services and which are entered in the register of economic activities as providers of rehabilitation services shall also provide rehabilitation services to persons specified in subsection 11²(1) of this Act.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(3) Provision of rehabilitation services to persons specified in subsection 11²(1) of this Act shall be financed from the state budget through the budget of the Social Insurance Board.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

§ 11⁴. Grant of authority to perform provision of rehabilitation services

(1) The Social Insurance Board may, by a contract under public law, authorise one or several sole proprietors, legal persons or local government authorities who have been granted an activity licence for the provision of rehabilitation services to provide rehabilitation services.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(2) The provisions of the Administrative Co-operation Act, except § 5 of the Administrative Co-operation Act, apply to the entry into a contract under public law specified in subsection (1) of this section, taking account of the specifications provided for in this Act.

(3) The Director General of the Social Insurance Board shall decide on the grant of authorisation to perform the provision of rehabilitation services and shall enter into a contract under public law.

(4) The Social Insurance Board shall publish a notice concerning an intention to enter into a contract under public law on the website of the Social Insurance Board. If necessary, the Social Insurance Board may publish an additional notice concerning an intention to enter into a contract under public law during a calendar year.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(5) A provider of rehabilitation services shall submit a written application for entry into a contract under public law to the Social Insurance Board within one month after the publication of the notice specified in subsection (4) of this section.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(6) The Social Insurance Board shall enter into a contract under public law with providers of rehabilitation services who comply with the requirements provided for in this Act and the Administrative Co-operation Act within three months after the proclamation of the annual State Budget Act. If the Social Insurance Board publishes an additional notice concerning an intention to enter into a contract under public law during a calendar year, the Social Insurance Board shall enter into a contract under public law with providers of rehabilitation services who comply with the requirements provided for in this Act and the Administrative Co-operation Act within three months after the publication of the notice specified in subsection (4) of this section.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(6¹) A contract under public law shall be entered into for three years. At the request of a provider of rehabilitation services, a contract under public law may be entered into for a period less than three years, but not for less than one year.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(7) The Social Insurance Board may decide to refuse to enter into a contract under public law with a provider of rehabilitation services if:

1) the provider of rehabilitation services fails to comply with the requirements provided for in this Act or the Administrative Co-operation Act;

2) the Social Insurance Board and the provider of rehabilitation services do not reach an agreement on the conditions of the contract, except for the requirements established in this Act for the provision of rehabilitation services and the fee for the provision of rehabilitation services;

3) the provider of rehabilitation services has violated the conditions agreed upon in a previous contract entered into between the provider of rehabilitation services and the Social Insurance Board.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

§ 11⁵. Contract under public law granting authorisation to perform provision of rehabilitation services

(1) A provider of rehabilitation services shall, by a contract under public law, undertake to provide rehabilitation services to persons specified in subsection 11²(1) of this Act and upon agreement between the parties, if necessary, also accommodation to a person to whom rehabilitation services are provided and a representative of a person under 16 years of age specified in clauses 11²(1) 1)–3) of this Act and the Social Insurance Board shall undertake to pay to the provider of rehabilitation services pursuant to the procedure prescribed in the contract after the provision of rehabilitation services to a person according to the rates established on the basis of subsection 11²(2) of this Act.

(2) The list of information indicated in the invoices submitted for the compensation of expenses relating to rehabilitation services and the procedure for compensation for expenses on the basis of the invoices shall be established by the minister responsible for the area.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) It may be agreed in a contract under public law that a provider of rehabilitation services provides rehabilitation services only to persons specified in clause 11²(1) 1), 2), 3) or 4) of this Act.

(4) In addition to the conditions provided for in the Administrative Co-operation Act, a contract under public law shall determine a term during which a provider of rehabilitation services is required to provide rehabilitation services to persons specified in subsection 11²(1) of this Act.

[RT I 2005, 38, 299 - entry into force 01.11.2005]

§ 11⁶. Application for rehabilitation service

(1) In order to receive rehabilitation services, a person shall submit an application to the Social Insurance Board. The minister responsible for the area shall establish the format of the applications and a list of the required documents.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(2) In order to receive rehabilitation services, a person specified in clause 11²(1) 3) of this Act shall submit to the Social Insurance Board a resolution of a juvenile committee which imposes provision of rehabilitation services as a sanction.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(3) In addition to the application, a medical certificate which sets out the occurrence of a mental disorder shall be submitted by:

1) adults specified in clause 11²(1) 1) of this Act, who have a severe, profound or permanent mental disorder;

2) persons specified in clause 11²(1) 4) of this Act.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3¹) Subsection (3) of this section does not apply to persons, who have attained the pensionable age specified in § 7 of the State Pension Insurance Act and have been diagnosed with dementia and who do not have any other severe, profound or permanent mental disorder in addition to dementia.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(4) The Social Insurance Board shall, except in the case provided for in subsection (2) of this section, decide on the provision of or refusal to provide rehabilitation services within ten working days after the receipt of an application.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(5) If a person has the right to receive rehabilitation services, the Social Insurance Board shall issue to the person a letter of referral for the receipt of rehabilitation services. The format of letters of referral shall be established by the minister responsible for the area.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(6) If a person fails to make an application to a provider of rehabilitation services for the receipt of rehabilitation services within 21 calendar days after the receipt of a letter of referral, he or she loses the right to receive rehabilitation services on the basis of the letter of referral.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(7) At the request of a person, the Social Insurance Board may restore the term for making an application to a provider of rehabilitation services for the receipt of rehabilitation services if the term was allowed to expire with good reason.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(8) If a person fails to appear at the provider of rehabilitation services to receive a rehabilitation service at the agreed time without good reason and prior notification, the person shall be deleted from the waiting list for the provision of the rehabilitation service.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11⁷. Waiting list for provision of rehabilitation services

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(1) A provider of rehabilitation services shall enter persons specified in subsection 11²(1) of this Act, who have sought provision of rehabilitation services on the basis of a letter of referral and wait for the provision of rehabilitation services, in the waiting list for the receipt of rehabilitation services and shall prepare a corresponding list.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(1¹) A provider of rehabilitation services shall not enter persons specified in subsection 11²(1) of this Act in the waiting list for the provision of rehabilitation services at the service provider if the waiting list for the provision of rehabilitation services at the service provider is longer than three years or if the term of validity of the rehabilitation plan of the person is less than three years and expires before his or her turn to receive the rehabilitation service.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(1²) In the case specified in subsection (1¹) of this section, the person specified in subsection 11²(1) of this Act shall turn to another provider of rehabilitation services.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) A list specified in subsection (1) of this section shall set out:

- 1) the name of the person;
- 2) the number and date of issue of a letter of referral of the Social Insurance Board;
- 3) the service or services which are provided to the person within the framework of the rehabilitation service;
- 4) the due date on or the term during which the rehabilitation service is provided to the person.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(2¹) Upon entry in the list specified in subsection (1) of this section, a provider of rehabilitation services shall give priority to:

- 1) persons specified in § 2¹ of the Social Benefits for Disabled Persons Act and

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

- 2) persons specified in clause 11²(1) 1) or 4) of this Act, who have a severe, profound or permanent mental disorder, who stayed at a provider of a service specified in clause 10 1⁴), 1⁵) or 1⁶) of this Act before applying for a rehabilitation service and for whom a rehabilitation plan shall be prepared in order to determine whether they need to be referred to receive special care service.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(3) The Social Insurance Board has, at any time, the right to demand that a provider of rehabilitation services submit a list indicating the order of provision of rehabilitation services for examination.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(4) A person who has been entered in the waiting list for the provision of a service at a provider of rehabilitation services but whose rehabilitation plan has expired by the time he or she gets the opportunity to receive the service may receive the rehabilitation service on the basis of the activity plan planned in the rehabilitation plan. If it becomes evident during the provision of the service that the condition of the person has changed and therefore the activity plan needs adjustment, a re-assessment shall be carried out with regard to the person and the rehabilitation plan shall be amended, and the service shall be provided according to the amended activity plan.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11⁸. Licence requirement of provider of rehabilitation services

(1) An activity licence is required for the provision of rehabilitation services.

(2) The licence requirement does not apply to the Social Insurance Board.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 11⁹. Adjudication of application for activity licence of provider of rehabilitation services

(1) An application for an activity licence of a provider of rehabilitation services shall be adjudicated by the Social Insurance Board.

(2) In addition to the information provided for in the General Part of the Economic Activities Code Act, an application for an activity licence of a provider of rehabilitation services shall set out the services specified in the list established by the Government of the Republic which are provided by the provider of rehabilitation services within the framework of rehabilitation services.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 11¹⁰. Subject of review of activity licence

An activity licence shall be granted for the provision of rehabilitation services if the rehabilitation team complies with the requirements provided for in subsection 11¹¹(2) of this Act.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 11¹¹. Rehabilitation team

(1) A provider of rehabilitation services shall form a rehabilitation team.

(2) A rehabilitation team shall comprise at least five specialists of different areas of specialisation who have:

- 1) acquired state-recognised higher education in psychology or qualifications equal thereto;
- 2) acquired state-recognised higher education in medical science or qualifications equal thereto;
- 3) acquired state-recognised higher education in social work or qualifications equal thereto;
- 4) acquired state-recognised higher education in occupational therapy or qualifications equal thereto or other state-recognised higher education provided that an in-service training course for assistant occupational therapists organised with the participation of the Ministry of Social Affairs has been undergone;
- 5) acquired state-recognised secondary specialized education in nursing or state-recognised higher education in nursing or qualifications equal thereto;
- 6) acquired state-recognised higher education in physiotherapy or qualifications equal thereto or a professional certificate of a physiotherapist or
- 7) acquired state-recognised higher education in special needs education, speech therapy or education or qualifications equal thereto.

[RT I 2005, 38, 299 - entry into force 17.07.2005]

§ 11¹². Preparation of rehabilitation plan

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(1) A rehabilitation plan is a written document which is drawn up by a provider of rehabilitation services with the participation of the person or the person and his or her legal representative and which includes an evaluation of the operational capacity of the person and the need for personal assistance, guidance or supervision and sets out the activities necessary for his or her ability to cope independently, for social integration and employment or supporting the commencement of employment. A rehabilitation team shall prepare a rehabilitation plan for a person collegially.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) Upon preparation of a rehabilitation plan to a person with a somatic disorder or injury, a physiotherapist or an occupational therapist shall belong to the rehabilitation team.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(3) Upon preparation of a rehabilitation plan to a person with a sensory disability, speech impairment or intellectual disability, a special education teacher or a speech therapist shall belong to the rehabilitation team.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(4) Upon preparation of a rehabilitation plan to a person between the age of 18 and the pensionable age with capacity for work, a psychologist who has undergone career counselling training shall belong to the rehabilitation team.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(5) Upon preparation of a rehabilitation plan to a person under 18 years of age, a special education teacher shall belong to the rehabilitation team.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(6) Upon preparation of a rehabilitation plan to an adult with a mental disorder, a psychiatrist shall belong to the rehabilitation team.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(7) If an individual action plan specified in § 10 of the Labour Market Services and Benefits Act is prepared for a person with a mental disorder, a provider of rehabilitation services has the right to request the individual action plan from the person for the preparation of a rehabilitation plan, including implementation of the activity plan thereof.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(8) The list of information contained in a rehabilitation plan shall be established by a regulation of the minister responsible for the area.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11¹³. Accommodation within framework of rehabilitation services

If, within the framework of provision of rehabilitation services, it is reasonable that a person stays at a place where rehabilitation services are provided 24 hours a day, the person or a representative of a person under 16 years of age specified in clauses 11²(1) 1)–3) of this Act accompanying the person may be accommodated:

- 1) at a hospital;
- 2) at an accommodation establishment which complies with the requirements established for accommodation establishments on the basis of subsection 19 (4) of the Tourism Act at least to the extent of the requirements established for visitor's apartments or
- 3) at a social welfare institution which complies with the health protection requirements established on the basis of the Public Health Act.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11¹⁴. Filing of challenge against activities or omissions of provider of rehabilitation services

(1) A person who finds that his or her rights are violated or his or her freedoms are restricted by the Social Insurance Board or a provider of rehabilitation services in the course of administrative proceedings or by an administrative act may file a challenge.

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

(2) A challenge shall be filed with the Social Insurance Board.

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

(3) A challenge shall be filed within 30 days as of the day when a person becomes or should become aware of the challenged measure or administrative act.

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

(4) A challenge shall be resolved within three months after registration of the challenge by the Social Insurance Board.

[RT I, 22.12.2012, 14 - entry into force 01.01.2013]

(5) If a person disagrees with a decision on the challenge, he or she has the right of recourse to an administrative court within three months after the date of notification of the decision on the challenge.

[RT I, 22.12.2012, 14 - entry into force 01.01.2013]

Division 4 Special Care Services

[RT I 2008, 58, 329 - entry into force 01.01.2009]

Subdivision 1 General Part

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11¹⁵. Provision of special care services

Sole proprietors, legal persons, local governments and the state through the authorities of executive power who comply with the requirements established by this Act and hold an activity licence for the provision of the relevant service may provide the services specified in clauses 10 1²)–1⁶) of this Act (hereinafter *special care services*).

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11¹⁶. Application for special care service and making of decisions

(1) A person shall submit an application to the Social Insurance Board in order to receive a special care service.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) If a person has been referred to receive 24-hour special care service on the basis of a court ruling, the guardian of the person or the rural municipality or city government of the residence of the person shall immediately submit the court ruling on placing the person in a social welfare institution without his or her consent to the Social Insurance Board.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) The Social Insurance Board shall decide on the provision or refusal to provide special care services, except in the case of a person placed in a social welfare institution by a court ruling, within 15 working days as of the receipt of the application and all the required documents.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(4) The Social Insurance Board may refer a person to receive the employment support service and supported living service for the time of the preparation of the rehabilitation plan, but not for longer than six months, if this is necessary for ascertaining the suitability of the services to be entered in the rehabilitation plan. If a person wishes to be referred to the abovementioned services, he or she shall submit a written proposal of a provider of rehabilitation services justifying the need for receipt of the service. The proposal shall be approved by all the members of the rehabilitation team.

(5) The maximum term for the provision of a special care service, during which a person has the right to receive the service, may be until the date of expiry of the personal rehabilitation plan, except in the case provided for in subsection (4) of this section.

(6) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(7) In the case of everyday life support service, the maximum term for the provision of the service may be up to five years. If a person referred to receive everyday life support service has a rehabilitation plan, the maximum term may be up to the expiry of the rehabilitation plan.

[RT I 2009, 53, 360 - entry into force 01.01.2010]

(8) The composition of the data to be presented in the application, the format of the application and the list of the required documents shall be established by a regulation of the minister responsible for the area.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11¹⁷. Issue of referral decisions

(1) If an applicant complies with the requirements for persons entitled to receive a service specified in clause 10¹²), 1³), 1⁴), 1⁵) or 1⁶) of this Act, the Social Insurance Board shall issue a referral decision to the person if:

- 1) there are funds in the state budget for the provision of a special care service to the person and
- 2) the provider of special care services to whom the person wishes to go to receive a special care service has a vacant place.

(2) A referral decision shall set out:

- 1) the name, personal identification code or date of birth and contact details of the person referred to receive a special care service and his or her legal representative, if the legal representative exists;
- 2) the service to which the person is referred;
- 3) the term during which the person is entitled to receive the service;
- 4) the name and contact details of the provider of special care services to whom the person has been referred to for the receipt of the service;
- 5) the objective of the receipt of the service;
- 6) recommended activities for the achievement of the objective and
- 7) recommended minimum frequency of the provision of the service;
- 8) other information related to the provision of the service to the person placed in a social welfare institution by a court ruling.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) In a referral decision to the community living service or 24-hour special care service, the Social Insurance Board shall indicate, in addition to the information specified in subsection (2) of this section, that the person is entitled to receive the indicated service if he or she pays the amount of own contribution specified in § 11¹⁹ of this Act or the amount of own contribution less the deficit in the own contribution the compensation obligation of which has been assumed by the state. A person has the right to receive the service also if a third person assumes the obligation to pay the amount of own contribution and the amount of own contribution of the person is covered to an agreed extent. This subsection does not apply to persons placed in a social welfare institution by a court ruling.

(4) The Social Insurance Board shall issue a referral decision to a person placed in a social welfare institution by a court ruling immediately after entry into force of the court ruling or declaring the court ruling to be subject to immediate execution.

(5) A provider of special care services suitable for a person shall be selected and the date of commencement of the provision of the service, except in the case of a person placed in a social welfare institution by a court ruling, shall be agreed upon by the Social Insurance Board, the person entitled to receive a service and the provider

of special care services. The Social Insurance Board takes the request of the person placed in a social welfare institution by a court ruling into account in the selection of a service provider if it is possible for the service provider requested by the person to provide 24-hour special care service to the person during the term indicated in the court ruling.

(6) A person referred to receive a special care service shall turn to the provider of special care services on the date agreed for the provision of the service indicated in the referral decision, but not later than within three days in the case of everyday life support service, employment support service and supported living service and within seven days in the case of community living service and 24-hour special care service as of the agreed date. If a person fails to turn to the service provider within the specified term as of the agreed date, he or she no longer has the right to receive the service on the basis of the same referral decision.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(6¹) A person referred to receive a special care service who is released from coercive treatment, treatment against will or service required by a court ruling shall turn to a provider of special care services on the date agreed for the provision of the service indicated in the referral decision, but not later than within ten days.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(7) If the term agreed upon in the referral decision was allowed to expire with good reason, the Social Insurance Board may, at the request of the person and upon agreement with the provider of special care services, agree upon a new date from which the provision of the special care service shall commence.

(8) A person placed in a social welfare institution by a court ruling shall be placed in the social welfare institution immediately after issue of the referral decision.

(9) If the Social Insurance Board cannot issue a referral decision to a person entitled to receive a special care service:

1) arising from clause (1) 1) of this section, the Social Insurance Board shall notify the person of the satisfaction of the application and entry of the person in the waiting list in a format which can be reproduced in writing or

2) arising from clause (1) 2) of this section, the Social Insurance Board shall notify the person of the satisfaction of the application, existence of vacant places at another service provider or entry of the person in the waiting list in a format which can be reproduced in writing if the person referred to receive the service is unwilling to receive the service from another provider of special care services.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11¹⁸. Funding of special care service

(1) Special care services provided to persons entitled to receive special care services shall be financed from the from the state budget through the budget of the Social Insurance Board, by the persons entitled to receive the community living service or 24-hour special care service and, in the case specified in § 11³⁷ of this Act, by the local government.

(2) The provision of special care services, except the 24-hour special care service, shall not be financed from the state budget to the following persons:

1) persons, who have attained the pensionable age specified in § 7 of the State Pension Insurance Act and have been diagnosed with dementia and who do not have any other severe, profound or permanent mental disorder in addition to dementia and

2) persons who have a dependency on alcohol or narcotic drugs as the primary mental disorder.

(3) Special care services are financed on the basis of a contract under public law entered into between the service provider and the Social Insurance Board, the invoices submitted by the service provider and the referral decision issued to the person, unless the service provider is a governmental authority or a state authority administered by a governmental authority.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(4) In the case the service provider is a governmental authority or an authority administered by a governmental authority, the provision of special care services shall be financed from the budget of the area of government of the Ministry of Social Affairs.

(5) The Government of the Republic shall establish by a regulation:

1) the maximum cost of special care services financed from the state budget per person in one calendar month;
2) the components of the expenses of special care services which are covered from the state budget within the maximum cost, and

3) the components of the expenses of own contribution of the community living service and 24-hour special care service by the person.

(6) The maximum cost of the 24-hour special care service per person placed in a social welfare institution by a court ruling in one calendar month shall be established by the state budget for each budgetary year. The established maximum cost shall not be less than the cost in force.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11¹⁹. Own contribution

(1) A person referred to receive the community living service or 24-hour special care service is required to pay his or her own contribution for catering and accommodation.

(2) If the own contribution of a person is covered from the person's state pension within the meaning of the State Pension Insurance Act, funded pension within the meaning of the Funded Pensions Act, income subject to social tax within the meaning of the Social Tax Act, income from rent or lease or any other income from delivery of objects to use (hereinafter *income*), at least fifteen per cent of the person's income which would have remained to be used by the person after the payment of the income tax, unemployment insurance premium, contribution to funded pension and support should remain for personal use after the payment of his or her contribution, income tax, unemployment insurance premium, contribution to funded pension and support.

(3) If the deficit in own contribution is less than 1.55 euros per calendar month, an amount of the income decreased by the amount of the deficit may be left for personal use.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(4) A person's income subject to social tax specified in subsection (2) of this section which is up to ten per cent of the minimum wage established by the Government of the Republic shall not be included in the person's income for the purposes of this Division.

(5) The maximum amount of own contribution of a person referred to receive the community living service or 24-hour special care service shall be established by the state budget for each budgetary year.

(6) If, upon agreement with a person referred to receive a special care service, accommodation and catering is offered in conditions better than the conditions determined by the health protection requirements for the community living service and 24-hour special care service established on the basis of the Public Health Act, the provider of special care services may charge a fee from the person which exceeds the maximum fee. The fee shall correspond to the value of the additional benefits.

(7) A person referred to receive a special care service has the right to demand from the service provider accommodation and catering in compliance with the minimum requirements provided for in the health protection requirements established for special care services.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11²⁰. Covering deficit of own contribution from state budget

(1) If a person entitled to receive a service does not have sufficient financial resources to pay own contribution taking into account the provisions of subsections 11¹⁹(2) and (4) of this Act, the deficit in the maximum amount of own contribution established by the state budget (hereinafter *deficit*) shall be covered by the state budget through the budget of the Social Insurance Board unless the deficit is less than 1.55 euros per calendar month.
[RT I 2010, 22, 108 - entry into force 01.01.2011]

(2) For the deficit to be covered from the state budget, a person shall submit an application to the Social Insurance Board which shall, *inter alia*, set out the projected income of the person and the amount of support to be paid by the person in the calendar month of the submission of the application or in the calendar month preceding the commencement of the receipt of the service, if the application is submitted before the issue of the referral decision, together with all the required documents.

(3) The Social Insurance Board shall cover the deficit from the state budget on the basis of the income of the person entitled to receive the service in the calendar month of the submission of the application from which the amount of the income tax, unemployment insurance premium, contribution to funded pension and support shall be deducted, taking into account the provisions of subsections 11¹⁹(2) and (3).

(4) If an application for covering the deficit is submitted before the issue of a referral decision, the projected income of the person and the amount of support to be paid by the person in the calendar month preceding the commencement of the receipt of the service shall be taken into account.

(5) The deficit means the difference between the maximum amount of a person's own contribution and the person's income from which income tax pursuant to the Income Tax Act, unemployment insurance premium, contribution to funded pension, support to be paid and fifteen per cent of the person's income which remains to be used by the person after the payment of the taxes have been deducted.

(6) If an application for covering the deficit is submitted before the issue of a referral decision, the Social Insurance Board shall make a decision on covering the deficit from the state budget by the time of issue of the referral decision. If the application is submitted to the Social insurance Board less than ten working days before

the issue of the referral decision or after the issue of the referral decision, the Social Insurance Board shall make a decision on covering the deficit from the state budget within ten working days as of the receipt of the application and all the required documents.

(7) The decision specified in subsection (6) of this section shall be communicated also to the service provider, at whom the person wishes to receive a special care service.

(8) The Social Insurance Board shall pay the deficit to the provider of community living service or 24-hour special care service, at whom the person receives the special care service each month for the previous calendar month on the basis of the referral decision and the invoices submitted by the service provider.

(9) If the person's income changes or the obligation to pay support changes after submission of the application specified in subsection (2) of this section or other circumstances arise, the person for whom the deficit is covered is required to notify the Social Insurance Board thereof immediately in writing.

(10) The composition of the data to be presented in the application specified in subsection (2) of this section, the format of the application and the list of the required documents shall be established by a regulation of the minister responsible for the area.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11²¹. Covering deficit for persons placed in social welfare institutions by court ruling

(1) The provisions of § 11²⁰ of this Act apply to covering the deficit for persons placed in a social welfare institution by a court ruling, taking account of the specifications provided for in this section.

(2) After entry into force of a court ruling or declaring a court ruling concerning placement of a person in a social welfare institution to be subject to immediate execution, the Social Insurance Board shall ascertain the financial viability of the person placed in a social welfare institution by a court ruling to pay the own contribution provided for in 11¹⁹ of this Act based on the provisions of subsections 11²⁰(3)–(6) of this Act and shall make a decision which shall set out the obligation of the person to pay his or her own contribution. If a person does not have sufficient financial resources to pay for own contribution, taking into account the provisions of §§ 11¹⁹ and 11²⁰ of this Act, the Social Insurance Board shall make a decision concerning covering the deficit from the state budget.

(3) The Social Insurance Board shall make the decisions specified in subsection (2) of this section within ten working days after the issue of the referral decision specified in subsection 11¹⁷(4) of this Act.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11²². Reclamation of deficit

(1) A person for whom the deficit has been covered is required to repay the amounts paid for covering the deficit without basis to the state if the person:

- 1) has knowingly failed to provide information required for covering the deficit;
- 2) has knowingly submitted false information or
- 3) has failed to inform the Social Insurance Board of other circumstances as a result of which the deficit decreased.

(2) Reclamation of the deficit paid without basis shall be organised by the Social Insurance Board.

(3) The person for whom the deficit has been covered shall repay the amount paid without basis at once or in parts in accordance with the agreement with the Social Insurance Board.

(4) If the person for whom the deficit is covered fails to repay the amount paid for covering the deficit without basis, the Social Insurance Board shall issue a precept together with a warning to the person for reclamation of the amount paid without basis. If the person fails to comply with the precept within a term set out in the precept, the Social Insurance Board shall pass the precept for compulsory enforcement pursuant to the procedure provided for in the Code of Enforcement Procedure. The term set out in the precept shall not be shorter than ten working days.

(5) A precept specified in subsection (4) of this section shall contain the following information:

- 1) the given name, surname and position of the official who prepared the precept;
- 2) the date of issue of the precept;
- 3) the name and address of the recipient of the precept;
- 4) the factual and legal basis for the precept;
- 5) the reclaimed amount paid without basis;
- 6) the term for compliance with the precept;

- 7) the possibilities, term and procedure for contestation of the precept and
- 8) a warning concerning the commencement of compulsory enforcement in case of failure to perform the obligation.

(6) A precept specified in subsection (4) of this section shall be sent to the person for whom the deficit has been covered and to his or her legal representative, if the representative exists, within five working days as of the date of issue of the precept and the warning.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11²³. Waiting lists for special care services

(1) In the cases provided for in subsection 11¹⁷(9) of this Act, the Social Insurance Board shall enter a person entitled to receive a special care service in the waiting list for the receipt of the service as of the date of making the decision on provision of the special care service and shall prepare a corresponding list.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) The procedure and requirements for making waiting lists for special care services shall be established by a regulation of the minister responsible for the area.

[RT I, 21.03.2014, 1 - entry into force 01.01.2015]

(3) [Repealed - RT I, 21.03.2014, 1 - entry into force 01.01.2015]

(3¹) [Repealed - RT I, 21.03.2014, 1 - entry into force 01.01.2015]

(4) [Repealed - RT I, 21.03.2014, 1 - entry into force 01.01.2015]

(5) A person who has been entered in the waiting list for the provision of a special care service but whose rehabilitation plan has expired by the time he or she gets the opportunity to receive the service may receive the special care service on the basis of the activity plan planned in the rehabilitation plan until preparation of a new rehabilitation plan but not longer than during one year.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11²⁴. Entry into contracts under public law for provision of special care services

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(1) The Social Insurance Board shall, by a contract under public law, authorise one or several sole proprietors, legal persons or local governments acting or wishing to act as a provider of special care services to provide special care services.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) The provisions of the Administrative Co-operation Act, except § 5 of the Administrative Co-operation Act, apply to the entry into a contract under public law specified in subsection (1) of this section, taking account of the specifications provided for in this Act.

(3) The Social Insurance Board shall publish a notice concerning an intention to enter into a contract under public law on the website of the Social Insurance Board. If necessary, the Social Insurance Board may publish additional notices concerning an intention to enter into a contract under public law during a calendar year.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(4) A service provider shall submit a written application for entry into a contract under public law to the Social Insurance Board within one month after the publication of the notice specified in subsection (3) of this section.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(5) The Social Insurance Board shall enter into a contract under public law with service providers who hold an activity licence for the provision of a service specified in clause 10 1²), 1³), 1⁴), 1⁵) or 1⁶) of this Act within three months after the proclamation of the annual State Budget Act. If the Social Insurance Board publishes an additional notice concerning an intention to enter into a contract during a calendar year, the Social Insurance Board shall enter into a contract with the service providers who hold an activity licence for the provision of a service specified in clause 10 1²), 1³), 1⁴), 1⁵) or 1⁶) of this Act within three months after the publication of the notice specified in subsection (3) of this section.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(6) A contract under public law shall be entered into for five years. At the request of a service provider, a contract under public law may be entered into for a period less than five years, but not for less than one year.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(7) The Social Insurance Board shall refuse to enter into a contract under public law with a service provider who does not hold an activity licence for the provision of a service specified in clause 10 1²), 1³), 1⁴), 1⁵) or 1⁶) of this Act.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(8) The Social Insurance Board may refuse to enter into a contract under public law with a service provider if:
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

1) the issuer of the activity licence has issued a precept to the service provider due to non-compliance with the requirements provided for in this Act or on the basis thereof or;

2) the service provider has previously violated the conditions set out in the contract under public law entered into between the service provider and the Social Insurance Board or in the referral decision.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11²⁵. Contract under public law for provision of special care services

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(1) By a contract under public law a service provider undertakes to provide the service indicated in the referral decision to the person who turns to the service provider with the referral decision issued by the Social Insurance Board in order to receive a special care service.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) A service provider has the right to refuse to perform the obligation to provide the community living service or 24-hour special care service arising from a contract under public law if the person entitled to receive the service refuses to enter into a written agreement concerning the payment of own contribution or if the person has failed to pay the own contribution specified in § 11¹⁹ of this Act in the amount agreed upon with the person for two consecutive calendar months. If another person has assumed the obligation to pay own contribution for the person, the service provider shall not refuse to provide the service to the person. This subsection does not apply to the provision of services to persons placed in a social welfare institution by a court ruling.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) The provision of a special care service to a person who has turned to a service provider in order to receive the service shall commence on the date the person turned to the service provider, but not earlier than on the date agreed upon in the referral decision.

(4) If a service provider wishes to terminate a contract under public law prematurely, the service provider is required to inform the Social Insurance Board of such intention:

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

1) at least six months before the planned date of the termination of the contract in the case of the provision of a service specified in clause 10¹⁴), 1⁵) or 1⁶) of this Act and

2) at least three months before the planned date of the termination of the contract in the case of the provision of the everyday life support service or employment support service.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11²⁶. Reimbursement of expenses to providers of special care services

(1) By a contract under public law the Social Insurance Board undertakes to reimburse a provider of special care services for the expenses of the provision of a special care service each month on the basis of the submitted invoices to the extent indicated in the invoices, but not more than in the amount of the maximum cost of the service established by the Government of the Republic, if:

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

1) the service was provided to a person entitled to receive a special care service who turned to the service provider with a referral decision made by the Social Insurance Board;

2) the service provided complied with the requirements established by this Act;

3) the service was provided by the service provider indicated in the referral decision and

4) the service indicated in the referral decision was provided to the person during the term indicated in the referral decision.

(2) If a person referred to receive a special care service fails to turn to the service provider during the term for the commencement of the provision of the service provided for in subsections 11¹⁷(6) and (6¹) of this Act, the Social Insurance Board shall pay remuneration to the service provider for the provision of the special care service the person is referred to from the state budget on the basis of a submitted invoice, but not more than for three days in the case of everyday life support service, employment support service and supported living service, for seven days in the case of community living service and 24-hour special care service and for ten days in the case of a person who is released from coercive treatment, treatment against will or 24-hour service required by a court ruling.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) The Social Insurance Board shall continue to pay a provider of a service specified in clause 10¹⁴), 1⁵) or 1⁶) for the provision of the service the person is entitled to from the state budget if:

- 1) the person does not use the special care service up to two consecutive months – for the time the person did not use the service, but not more than for two months within six months and
- 2) the person does not use the special care service more than two consecutive months due to the receipt of an in-patient health service – during the time of the receipt of the in-patient health service, but not more than for four months within a year;
- 3) the person does not use the special care service due to the receipt of treatment for tuberculosis – until the end of receipt of the in-patient treatment for tuberculosis.

[RT I, 03.03.2011, 3 - entry into force 13.03.2011]

(4) In the cases specified in subsections (2) and (3) of this section, the service provider shall be paid 95 per cent of the maximum cost of the service received by the person established on the basis of subsection 11¹⁸(5) of this Act, but not more than in the amount indicated in the invoice.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(5) The specific conditions and procedure for the submission of invoices shall be agreed upon in a contract under public law entered into between the Social Insurance Board and the service provider.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(6) The specific conditions and procedure for the payment of remuneration from the state budget by the Social Insurance Board shall be established by a regulation of the Government of the Republic.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11²⁷. Termination of provision of special care services and notification thereof

(1) A service provider shall terminate the provision of a special care service based on a referral decision in the case:

- 1) the service has been provided to the person during the term indicated in the referral decision;
- 2) the person does not wish to receive the service until the end of the term indicated in the referral decision and the person has expressed such desire;
- 3) the person does not use the service for more than two consecutive months, except in the case of the provision of a in-patient health service;
- 4) the contract under public law entered into between the service provider and the Social Insurance Board expires and the same parties do not enter into a new contract under public law for the provision of the same special care service;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

5) the Social Insurance Board revokes a decision specified in subsection 11¹⁶(3) of this Act or

6) the person who receives the special care service dies.

(2) The provision of a service to a person placed in a social welfare institution by a court ruling shall be terminated in the case provided for in clause (1) 1), 4) or 6) of this section and in the case the court suspends or terminates placing the person in a social welfare institution based on a court ruling or in the case the term for placing the person in a social welfare institution provided for in the court ruling expires.

(3) A person who receives a special care service shall notify the service provider at whom he or she receives the special care service in writing of the following:

- 1) his or her desire to suspend the receipt of the community living service or 24-hour special care service at the service provider for more than one day and
- 2) his or her desire to terminate the receipt of the service at the service provider prior to the date specified in the referral decision.

(4) If a person fails to use a special care service for more than two consecutive months due to the receipt of an in-patient health service and wishes to receive the service indicated in the referral decision after the receipt of the in-patient health service, the person or his or her legal representative, if the representative exists, shall submit to the Social Insurance Board through the provider of special care services at whom the person received the service indicated in the referral decision a written confirmation concerning the fact that the person received the in-patient health service the previous calendar month by the third day of each calendar month from the second month of the receipt of the in-patient health service until the end of the receipt of the health service.

(5) If a person is not able to submit a written confirmation specified in subsection (4) of this section, the confirmation shall be submitted to the Social Insurance Board by the service provider at whom the person received the special care service if the service provider is aware that the person received an in-patient health service.

(6) A provider of 24-hour special care service shall notify the Social Insurance Board of the provision of an in-patient health service to a person placed in a social welfare institution by a court ruling by submitting the corresponding written confirmation pursuant to the procedure and by the date provided for in subsection (4) of this section.

(7) A provider of special care services is required to notify the Social Insurance Board of the following persons in writing within three working days after becoming aware of the following circumstances:

- 1) a person who wishes to terminate the use of the special care service before the end of the term indicated in the referral decision;
- 2) a person who has not used the special care service for more than two consecutive months;
- 3) a person who has not turned to the service provider for the receipt of the special care service within three days as of the agreed date or
- 4) a person who receives the special care service dies.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11²⁸. Change of provider of special care services

(1) If a person referred to receive a special care service wishes to change the service provider before turning to the provider of the special care service or during the receipt of the service, he or she shall submit a written application to the Social Insurance Board which shall set out the service provider to whom the person wishes to turn to for the receipt of the special care service and the date from which the person wishes to receive the service at the new service provider.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(2) The Social Insurance Board shall issue a new referral decision to the person entitled to receive a special care service to the service provider requested by the person, if the service provider provides the service indicated in the decision specified in subsection 11¹⁶(3) of this Act and the service provider has a vacant place to offer for the person.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(3) If the service provider requested by the person entitled to receive a special care service does not have a vacant place, the person shall be entered in the waiting list for the requested special care service based on the provisions of § 11²³ of this Act.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(4) If a person is placed in a social welfare institution by a court ruling and wishes to change the service provider but there is no vacant place at the service provider requested by the person, provision of the special care service shall be continued at the same service provider where the person is receiving the special care service until a place becomes vacant at the requested service provider.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(5) If a contract under public law is terminated and the same parties do not enter into a new contract under public law for the provision of the same special care service, the Social Insurance Board shall issue a new referral decision to the person to whom the abovementioned service provider provided the special care service. If there is no vacant place at the service provider requested by the person, the provisions of subsection (3) of this section apply, except in the case of a person placed in a social welfare institution by a court ruling, who shall be placed to receive the special care service at a service provider who has a vacant place.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11²⁹. Decision to terminate provision of special care service

(1) If there is doubt that the special care service provided to a person does not correspond to the needs of the person, the Social Insurance Board shall verify whether the person complies with the requirements for persons entitled to receive the special care service and whether the service provided corresponds to the needs of the person. With the consent of the person, the Social Insurance Board may refer the person to the amendment of the rehabilitation plan and assessment of the results within the framework of rehabilitation services.

(2) If a person does not comply with the requirements for persons entitled to receive a special care service valid for persons entitled to receive a special care service at the time the decision specified in subsection 11¹⁶(3) of this Act is made or the special care service provided to the person does not correspond to his or her needs, the Social Insurance Board shall declare the decision specified in subsection 11¹⁶(3) of this Act invalid (hereinafter *decision to terminate the provision of a special care service*), except in the case of persons placed in a social welfare institution by a court ruling.

(3) In case of a service specified in clause 10 1⁴), 1⁵) or 1⁶) of this Act, a decision to terminate the provision of the special care service enters into force on the date the person terminates the use of the service, but not later than six months as of the date of notification of the person who receives the special care service of the decision to declare a decision invalid.

(4) A decision to terminate the provision of a special care service for a person who uses a service specified in clause 10 1⁴), 1⁵) or 1⁶) of this Act enters into force on the date when provision of the special care service to a person, in the waiting list for which the person was entered, is commenced, if the person:

- 1) has been referred again to receive a service specified in clause 10 1⁴), 1⁵) or 1⁶) of this Act and
- 2) has been entered in the waiting list for the service requested by the person six months after notification of the person of the decision to declare the decision invalid.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³⁰. Filing of challenge against administrative decision or measure of Social Insurance Board or provider of 24-hour special care service

(1) A person who finds that his or her rights are violated or his or her freedoms are restricted in the course of administrative proceedings conducted by the Social Insurance Board or a provider of 24-hour special care service or by an administrative act may file a challenge.

(2) The provisions of subsections 11 1⁴(2)–(5) of this Act apply to filing and adjudication of challenges.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³¹. General requirements for special care services

(1) A provider of special care services is required to:

1) notify upon the commencement of the provision of a special care service to a person, orally or in writing, the person and his or her legal representative, if the representative exists, of its rules of procedure and the rights of the person and restrictions during the receipt of the service, if the person is able to understand what is said or read. If the person is not able to understand what is being said or read, the legal representative of the person shall be notified of the rules of procedure of the service provider and the rights of the person and restrictions during the receipt of the service;

2) introduce the premises required for the provision of the service to the person upon commencement of the provision of the special care service, if the service is provided in the premises of the service provider;

3) ensure collection and preservation of the information and documents concerning the person receiving the special care service and related to the provision of the service;

3¹) prepare in writing the procedure for settlement of complaints of the institution which sets out the internal and external methods of submission and settlement of complaints and contact details of other relevant institutions to turn to, and explain this to the person and his or her legal representative;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

4) ensure that the person providing the service directly who is in a contractual relationship therewith complies with the requirements provided for in § 11³⁴ of this Act;

5) prepare an activity plan for the person referred to receive the special care service;

6) work actively with the person during the provision of the special care service by involving the person in the performance of the activities provided for as the content of the service in accordance with the person's abilities and needs;

7) notify the person, his or her legal representative and the Social Insurance Board of the arrival of the due date of the termination of the provision of the special care service, the need for the continuation of the receipt of the service and expiry of the contract under public law or intention to terminate the contract under public law prematurely at least three months before the due date of the termination of the provision of the service in the case of the everyday life support service and employment support service and at least six months before the due date of the termination of the provision of the service in the case of a service specified in clause 10 1⁴), 1⁵) or 1⁶) of this Act;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

8) notify, at the earliest opportunity, the person receiving the service, the Social Insurance Board and the legal representative of the person, if the representative exists, of a doubt arisen during the provision of the special care service concerning the fact that the service provided to the person does not correspond to the person's needs;

9) notify the person referred to receive the community living service or 24-hour special care service, who has difficulties paying his or her contribution, of the possibility to cover the deficit in own contribution from the state budget;

10) assess, upon the termination of the provision of the service, in written form the achievement of the objective established for the person in the referral decision and submit the assessment to the Social Insurance Board together with the last invoice at the latest. If the objective established for the person was not achieved, the service provider shall add an explanation concerning the reasons for failure to achieve the objective;

11) prepare statistical reports pursuant to the procedure established on the basis of clause 6 8¹) of this Act and submit these to the county governor of the place of business and

12) ensure the provision of special care services, the compliance of the premises and the area necessary for the provision of services with the health protection requirements for special care services established on the basis of the Public Health Act, if services are provided in the area or in the premises in the ownership or use of the service provider.

(2) The list of documents to be collected and preserved by providers of special care services shall be established by a regulation of the minister responsible for the area.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³². Documents of persons receiving special care services

(1) A person referred to receive a special care service or his or her legal representative, if the representative exists, shall submit a copy of the rehabilitation plan prepared for the person to the service provider specified in the referral decision within 30 days as of turning to the service provider for the receipt of the service.

(2) A person referred to receive a service specified in clause 10 ¹⁴), ¹⁵) or ¹⁶) of this Act is required to submit to the service provider, in addition to the rehabilitation plan, a certificate concerning his or her state of health, which shall set out the occurrence of somatic illnesses which require treatment and also, at the request of the service provider, the occurrence of infectious diseases.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) A copy of a rehabilitation plan need not be submitted in the following cases:

- 1) a person has been referred to receive the everyday life support service and no rehabilitation plan has been prepared for him or her;
- 2) a person has been referred to receive the employment support service or supported living service for the time of the preparation of the rehabilitation plan or
- 3) a person has been placed in a social welfare institution on the basis of a court ruling and no rehabilitation plan has been prepared for him or her.

(4) Upon the termination of a special care service, the service provider shall, at the request of the person who received the service or his or her legal representative, return the documents concerning the person which the service provider has collected and preserved during the provision of the service, including the activity plan prepared for the person.

[RT I, 03.03.2011, 3 - entry into force 13.03.2011]

§ 11³³. Activity plan

(1) In order to achieve the objective set out in the referral decision, a provider of special care services shall prepare an activity plan for the performance of specific activities together with the person and his or her legal representative, if the representative exists, within 30 days after referral of the person for receipt of a service.

(2) An activity plan shall include:

- 1) the objective established for the person and the recommended activities for the achievement of the objective;
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 2) the schedule and description of the performance of the activities which correspond to the needs of the person and assessment of the service provider concerning the performance of the activities at least once per quarter.
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) An activity plan shall be prepared for a person for the time of the provision of special care services and the plan shall be reviewed and, if necessary, specified at least once a year.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³⁴. Requirements for persons providing special care services directly

(1) Special care services may be provided directly by a natural person (hereinafter *activity supervisor*), who complies with at least one of the following requirements:

1) the person shall have acquired at least secondary education and shall have undergone a 260-hour training in accordance with the plan established by the minister responsible for the area on the basis of subsection (5) of this section;

[RT I, 03.03.2011, 3 - entry into force 13.03.2011]

2) the person shall have acquired state-recognised secondary specialized or higher education in social work or hold a professional certificate of a social worker issued on the basis of the Professions Act;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

3) the person shall have acquired state-recognised higher education in special needs or social education;

4) the person shall have acquired state-recognised higher education in occupational therapy or hold a professional certificate of an occupational therapist issued on the basis of the Professions Act;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

5) the person shall have acquired state-recognised vocational secondary education in activity supervision or hold a professional certificate of an activity supervisor issued on the basis of the Professions Act;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

6) the person shall have acquired state-recognised secondary specialized or higher education in mental health nursing.

(1¹) If the 24-hour special care service is provided to a person with a mental disorder who has a profound multiple disability, the 24-hour presence of one activity supervisor may be replaced by the 24-hour presence of a care worker if the care worker:

1) has undergone training which conforms to the national curriculum of the specialty of a care worker established by the minister responsible for the area on the basis of subsection 24 (3) of the Vocational Educational Institutions Act or

2) holds a professional certificate of a social care worker issued on the basis of the Professions Act.
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) Special care services may not be provided directly by an activity supervisor who has been convicted of an intentionally committed criminal offence if information concerning the punishment has not been deleted from the punishment register pursuant to the Punishment Register Act.

(3) Upon the provision of the employment support service, the activity supervisor shall, in addition to compliance with the requirements specified in subsections (1) and (2) of this section, have undergone a 40-hour in-service training in employment support service in accordance with the plan established by the minister responsible for the area on the basis of subsection (5) of this section.

[RT I 2008, 58, 329 - entry into force 01.01.2009, applied as of 1 January 2015]

(4) An activity supervisor who provides the 24-hour special care service directly:

1) to a person placed in a social welfare institution by a court ruling shall, in addition to compliance with the requirements specified in subsections (1) and (2) of this section, have undergone a 60-hour in-service training for work with persons with higher risk rate in accordance with the plan established by the minister responsible for the area on the basis of subsection (5) of this section or

2) to a person with a profound multiple disability or severe, profound or permanent mental disorder with unstable remission shall, in addition to compliance with the requirements specified in subsections (1) and (2) of this section, have undergone a 40-hour in-service training for work with persons with profound multiple disability or severe, profound or permanent mental disorder with unstable remission respectively in accordance with the plan established by the minister responsible for the area on the basis of subsection (5) of this section.

(5) The plans of the trainings and in-service trainings specified in subsections (1), (3) and (4) of this section, including the detailed scope and content of the trainings, the obligation to undergo practical training and prepare a final paper and the conditions for the completion of studies shall be established by a regulation of the minister responsible for the area.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

Subdivision 2

Everyday Life Support Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³⁵. Everyday life support service

(1) The objective of the everyday life support service is the best possible independent coping and development of a person through supporting psycho-social coping, the development of everyday life coping skills and working skills and counselling of the people close to and people living together with the person.

(2) Upon the provision of the everyday life support service a service provider is required, based on the person's needs and the objective of the receipt of the service specified in the referral decision, to:

- 1) develop the person's personal and everyday life skills by involving the person in the activities developing the abovementioned skills, taking account of the person's state of health;
- 2) supervise the person in the creation, preservation and development of social relationships;
- 3) supervise the person in time-planning and spending spare time;
- 4) supervise the person in using health, social, postal, financial and other services and in finding and implementation of the possibilities to acquire education;
- 5) develop the person's working skills and enable the person to practice working;
- 6) advise the people close to the person, including people living in the same dwelling with the person, in the specificities of the behaviour of the person entitled to receive the service and in communication with the person;
- 7) support the activity of support groups for persons who receive the service and have similar diagnosis and related problems through supervising and advising of the persons and
- 8) involve the person in other activities necessary for the achievement of the objective of the everyday life support service.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³⁶. Persons entitled to receive everyday life support service financed from state budget

An adult, except the persons specified in clauses 11¹⁸(2) 1) and 2) of this Act, is entitled to receive the everyday life support service financed from the state budget if he or she complies with the following conditions:

- 1) the person has a severe, profound or permanent mental disorder and
- 2) no community living service or 24-hour special care service is provided to the person at the same time.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³⁷. Coverage of expenses of premises for provision of everyday life support service

A local government is required to ensure coverage of the expenses related to the premises for the provision of the everyday life service used or owned by the service provider to the extent established by the local government.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³⁸. Requirements for everyday life support service

(1) The everyday life support service may be provided in the dwelling of the person entitled to receive the everyday life support service or any other place suitable for the provision of the abovementioned service. If the everyday life support service is provided in the premises owned by the service provider or the use of which has been granted to the service provider, the premises shall comply with the health protection requirements for the premises for provision of the everyday life support service, the furnishings and maintenance thereof established on the basis of the Public Health Act.

(2) A psychiatrist or a provider of rehabilitation services shall provide an assessment of the objectives of the everyday life support service, the activities recommended for the achievement of the objectives forming the content of the everyday life support service, the duration of the provision of the everyday life support service and the recommended frequency of the activities in a month and the existence of a severe, profound or permanent mental disorder in its written evaluation or rehabilitation plan to the Social Insurance Board.

(3) The activities forming the content of the everyday life support service shall be provided to a person entitled to receive the everyday life support service either directly or the people close to the person, including people living together with the person, shall be advised to the recommended extent specified in the referral decision, but at least four hours a month. A service provider is required to keep records of the hours during which the service is provided directly to the person or people close to the person.

(4) A provider of everyday life support service shall inform the person entitled to receive the everyday life support service who turns to the service provider for the commencement of the receipt of the service on which days and at which time the everyday life support service is provided.

(5) A provider of everyday life support service shall ensure the presence of one full-time activity supervisor per ten persons referred to receive the everyday life support service.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

Subdivision 3 Employment Support Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11³⁹. Employment support service

(1) The objective of the employment support service is to supervise and advise a person in order to support the person's ability to cope independently and improve the quality of life during search for a job corresponding to the person's abilities and during employment.

(2) Upon the provision of the employment support service, a service provider is required, based on the person's needs and the objective of the receipt of the service specified in the referral decision, to:

- 1) motivate the person to commence work;
- 2) find a job based on the person's interests and corresponding to his or her abilities;
- 3) support the person, supervise the person in accordance with the work instructions of the employer and advise the person during employment;
- 4) supervise and advise the person's employer with the consent of the latter upon employment of a person entitled to receive the service;
- 5) supervise the person and the people working together with the person with their consent in the relationships created between them during employment and
- 6) prepare the person to work independently without support.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴⁰. Persons entitled to receive employment support service financed from state budget

An adult, except the persons specified in clauses 11¹⁸(2) 1) and 2) of this Act, is entitled to receive the everyday life support service financed from the state budget if he or she complies with the following conditions:

- 1) [repealed - RT I, 03.03.2011, 3 - entry into force 13.03.2011]

- 2) the person has a severe, profound or permanent mental disorder;
- 3) [repealed - RT I, 03.03.2011, 3 - entry into force 13.03.2011]
- 4) his or her rehabilitation plan sets out the need for employment support service or he or she has a reasoned written proposal of the provider of rehabilitation services concerning the receipt of the employment support service for the time of preparation of the rehabilitation plan;
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 5) the person requires continuous support and supervision during working and
- 6) no 24-hour special care service is provided to the person at the same time.
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11⁴¹. Requirements for employment support service

(1) A provider of employment support service shall find a possibility for a person referred to receive the service to work:

- 1) at least 20 hours a week if the percentage of the loss of the person's capacity for work is 40-50;
- 2) at least 15 hours a week if the percentage of the loss of the person's capacity for work is 60-70;
- 3) at least 10 hours a week if the percentage of the loss of the person's capacity for work is 80-90 and
- 4) according to the persons abilities and skills if the percentage of the loss of the person's capacity for work is 100.

(2) A provider of employment support service shall find a suitable job for a person referred to receive the employment support service at least within one year after the commencement of the provision of the employment support service to the person.

(3) If a person referred to receive the employment support service has not accepted any of the jobs offered to him or her within one year as of the commencement of the provision of the employment support service, provision of the service based on the referral decision shall be terminated.

(4) A provider of employment support service shall notify the Social Insurance Board of the expiry of the term specified in subsection (3) of this section after which the Social Insurance Board shall repeal proactively the administrative decision whereby the person was referred to receive the employment support service.

(5) The activities specified in clauses 1139 (2) 1) and 3)–6) of this Act which form the content of the employment support service shall be provided directly to the person referred to receive the employment support service, his or her employer or people working together with the person to the recommended extent set out in the referral decision, but at least four hours a month. A service provider is required to keep records of the hours during which the employment support service is provided directly to the employer, the person or people working together with the person.

(6) A provider of employment support service shall ensure the presence of one full-time activity supervisor per ten persons referred to receive the employment support service.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

Subdivision 4 Supported Living Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴². Supported living service

(1) The supported living service means supporting social coping and integration of a person through the creation of the possibility to grant him or her the use of a dwelling together with supervision in the organisation of household and everyday life with an aim to ensure the person's as independent coping as possible when living independently.

(2) Upon the provision of the supported living service, a service provider is required, based on the person's needs and the objective of the receipt of the service specified in the referral decision, to:

- 1) supervise the person in the organisation of household and everyday life, including in the preparation of the budget related to everyday life;
- 2) supervise the person in the use of the services related to the use and maintenance of a dwelling, including the use of postal and financial services;
- 3) assist in making agreements in the rules of common mode of life and in the implementation of the agreements if one dwelling is shared by at least two persons receiving the service;
- 4) create possibilities for granting to the person referred to receive the supported living service the use of the best possible furnished dwelling which corresponds to the person's possibilities and needs and
- 5) prepare the person for independent life and supervise and assist the person in the procurement of a dwelling for independent living.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴³. Persons entitled to receive supported living service financed from state budget

An adult, except the persons specified in clauses 11¹⁸(2) 1) and 2) of this Act, is entitled to receive the supported living service financed from the state budget if he or she complies with the following conditions:

- 1) the person has a severe, profound or permanent mental disorder;
- 2) [repealed - RT I, 03.03.2011, 3 - entry into force 13.03.2011]
- 3) [repealed - RT I, 03.03.2011, 3 - entry into force 13.03.2011]
- 4) [repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 5) his or her rehabilitation plan sets out the need for supported living service or he or she has a reasoned written proposal of the provider of rehabilitation services concerning the receipt of the supported living service for the time of preparation of the rehabilitation plan;
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 6) the person can take care of himself or herself and
- 7) the person can cope, in case of supervision, with everyday life activities.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴⁴. Requirements for supported life service

(1) The activities specified in clauses 11⁴²(2) 1)–3) and 5) of this Act which form the content of the supported living service may be carried out in a dwelling the use of which has been granted to the person entitled to receive the supported living service or any other place suitable for the provision of the abovementioned service. If the abovementioned activities which form the content of the supported living service are carried out in the premises owned by the service provider or the use of which has been granted to the service provider, the premises shall comply with the health protection requirements for the premises for provision of the supported living service, the furnishings and maintenance thereof established on the basis of the Public Health Act.

(2) A dwelling the use of which is granted to a person within the framework of the supported living service shall comply with the requirements established on the basis of clauses 7 (1) 1) and 2) of the Dwelling Act and shall include:

- 1) at least one bedroom per person receiving the service, Two persons receiving the service may live in one bedroom upon the request of the persons who receive the service;
- 2) a kitchen or a kitchen corner and
- 3) the possibility to use a toilet and shower or bath.

(3) The supported living service is provided in separate premises to persons with intellectual disabilities and persons with other mental disorders.

(4) The activities specified in clauses 11⁴²(2) 1)–3) and 5) of this Act shall be provided to a person referred to receive the supported living service at least two hours a week.

(5) A provider of supported living service shall ensure the presence of one full-time activity supervisor per ten persons referred to receive the supported living service.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴⁵. Contract for use of dwelling

A person to whom the supported living service is provided is required to enter into a contract for the use of the dwelling, unless the dwelling offered to the person is not the best possible dwelling corresponding to the possibilities and needs of the person, the dwelling is not furnished or the dwelling does not comply with the requirements provided for in subsection 11⁴⁴(2) of this Act.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

Subdivision 5 Community Living Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴⁶. Community living service

(1) The content of the community living service is to create a mode of life similar to a family favourable for the satisfaction of the basic needs and for the development of a person together with accommodation and catering with an aim to increase the person's ability to cope independently and to develop the skills of the organisation of everyday life activities through participation in joint activities.

(2) Upon the provision of the community living service, a service provider is required, based on the person's needs and the objective of the receipt of the service specified in the referral decision, to:

- 1) create a safe living environment and mode of life similar to a family and favourable for development;
- 2) develop the person's personal and everyday life skills by involving the person in the activities developing the abovementioned skills, taking account of the person's state of health;
- 3) supervise the person in time-planning and spending spare time;
- 4) develop the person's working skills and capacity for work;
- 5) provide a possibility for the person to work in the service provider's territory based on the abilities and skills of the person receiving the service or involve the person in a work-like activity in the joint household and to supervise the person in the performance of work or carrying out work-like activities and
- 6) carry out other activities required for the achievement of the objective of the community living service.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴⁷. Persons entitled to receive community living service financed from state budget

An adult, except the persons specified in clauses 11¹⁸(2) 1) and 2) of this Act, is entitled to receive the community living service financed from the state budget if he or she complies with the following conditions:

- 1) [repealed - RT I, 03.03.2011, 3 - entry into force 13.03.2011]
 - 2) the person has a severe, profound or permanent mental disorder;
 - 3) [repealed - RT I, 03.03.2011, 3 - entry into force 13.03.2011]
 - 4) his or her rehabilitation plan sets out the need for community living service;
- [RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 5) the person can take care of himself or herself and is able to participate in housework and
 - 6) no service specified in clause 10 1²), 1⁴) or 1⁶) of this Act is provided to the person at the same time.
- [RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴⁸. Requirements for community living service

(1) The activities specified in subsection 11⁴⁶(2) of this Act shall be carried out with respect to the person receiving the community living service every day.

(2) The community living service is provided in separate premises to persons with intellectual disabilities and persons with other mental disorders.

(3) A provider of community living service shall ensure the presence of one activity supervisor per ten persons receiving the service at least eight hours during daytime and the availability of one activity supervisor to all the persons who receive the service at the service provider during the remainder of the 24 hours.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(4) [Repealed - RT I 2009, 11, 67 - entry into force 01.07.2009]

Subdivision 6 24-hour Special Care Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁴⁹. 24-hour special care service

(1) The 24-hour special care service means 24-hour care and development of a person together with accommodation and catering with an objective to ensure preservation and increase of independent coping of the person receiving the service and safe living environment in the territory of the service provider.

(2) Upon the provision of the 24-hour special care service the service provider is required, based on the person's needs and the objective of the receipt of the service specified in the referral decision, to:

- 1) perform the obligations provided for in subsection 11³⁵(2) of this Act;
- 2) ensure the security of the person receiving the 24-hour special care service;
- 3) assist the person in taking care of himself or herself;
- 4) adhere to the treatment schedule prepared for the person by a health care provider;
- 5) create possibilities for the person placed in a social welfare institution by a court ruling for working or for a work-like activity in the service provider's territory and
- 6) carry out other activities required to achieve the objective of the 24-hour special care service.

(3) A person who turns to a provider of 24-hour special care service on the basis of a referral decision, except a person placed in a social welfare institution by a court ruling who stays on the premises or in the territory for the provision of the 24-hour special care service used or owned by the provider of 24-hour special care service, shall be deemed to be a person receiving the service within the framework of this service.

(4) A person placed in a social welfare institution by a court ruling shall be deemed to be a person receiving the service during the whole term specified in the court ruling regardless of the location of the person.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁵⁰. Persons entitled to receive 24-hour special care service financed from state budget

(1) An adult, except the persons specified in clauses 11¹⁸(2) 1) and 2) of this Act, is entitled to receive the 24-hour special care service financed from the state budget if he or she complies with the following conditions:

- 1) the person has a severe, profound or permanent mental disorder;
 - 2) it has been established on the basis of the Social Benefits for Disabled Persons Act that the person has severe or profound degree of disability;
 - 3) the percentage of loss of capacity for work of the person under 18 years of age until attaining the pensionable age provided for in § 7 of the State Pension Insurance Act is at least 80;
 - 4) his or her rehabilitation plan sets out the need for 24-hour special care service;
- [RT I, 21.03.2014, 1 - entry into force 31.03.2014]
- 5) the coping of the person cannot be ensured by any other social service specified in § 10 of this Act;
 - 6) no service specified in clause 10 1²), 1³), 1⁴) or 1⁵) is provided to the person at the same time;
 - 7) the person needs assistance in taking care of himself or herself and
 - 8) the person cannot cope with everyday life activities or needs significant regular assistance or supervision for this purpose.

(2) In addition to the person specified in subsection (1) of this section, an adult who has a severe, profound or permanent mental disorder with unstable remission, except the persons specified in clauses 11¹⁸(2) 1) and 2) of this Act, is entitled to receive the 24-hour special care service financed from the state budget if:

- 1) the person complies with the conditions provided for in clauses (1) 4), 5) and 6) of this section and
- 2) the percentage of loss of capacity for work of the person is at least 90, except in the case of a person who has attained the pensionable age provided for in § 7 of the State Pension Insurance Act, or
- 3) the person has attained the pensionable age provided for in § 7 of the State Pension Insurance Act and it has been established on the basis of the Social Benefits for Disabled Persons Act that the person has a profound degree of disability.

(3) In addition to the persons specified in subsections (1) and (2) of this section, an adult who has a profound multiple disability, except the persons specified in clauses 11¹⁸(2) 1) and 2) of this Act, is entitled to receive the 24-hour special care service financed from the state budget if:

- 1) the person complies with the conditions provided for in clauses (1) 4), 5) and 6) of this section;
- 2) the percentage of loss of capacity for work of the person is at least 90, except in the case of a person who has attained the pensionable age provided for in § 7 of the State Pension Insurance Act, and
- 3) it has been established on the basis of the Social Benefits for Disabled Persons Act that the person has a profound degree of disability.

(4) A person with a severe or profound intellectual disability and in addition to that any other disability within the meaning of subsection 2 (1) of the Social Benefits for Disabled Persons Act shall be deemed to be a person with a profound multiple disability for the purposes of the 24-hour special care service.

(5) In addition to the persons specified in subsections (1)–(3) of this section, the expenses related to the 24-hour special care service provided to persons placed in a social welfare institution by a court ruling, except own contribution, shall be paid from the state budget.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁵¹. Requirements for 24-hour special care service

(1) A provider of 24-hour special care service is required to:

- 1) be aware of the fact whether the person referred to receive the 24-hour special care service stays on the premises or in the territory for the provision of the 24-hour special care service or outside of the premises or territory;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

- 2) ensure inspection of entry into and exit from the premises for the provision of the 24-hour special care service and

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

- 3) ensure the safety and security of the persons receiving the service and the provision of the service if the 24-hour special care service is provided to persons specified in subsection 11⁵⁰(1) of this Act, persons with a profound multiple disability and persons with a severe, profound or permanent mental disorder with unstable remission in the same premises.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) If a provider of 24-hour special care service wishes to take a person receiving the 24-hour special care service outside a place indicated on the activity licence, the service provider shall obtain the consent of the person and the legal representative thereof, if the representative exists, therefor.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(3) A provider of 24-hour special care service shall ensure the availability of independent nursing care per 40 persons receiving the service at least 40 hours a week.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(4) If the 24-hour special care service is provided to a person with a severe, profound or permanent mental disorder with unstable remission, the service provider shall ensure the availability of independent nursing care per 30 persons receiving the service at least 40 hours a week.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(5) If the 24-hour special care service is provided to persons placed in a social welfare institution by a court ruling, the service provider shall ensure the availability of independent nursing care per 20 persons receiving the service placed at a social welfare institution by a court ruling at least 40 hours a week.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(6) If the 24-hour special care service is provided only to persons with intellectual disabilities, including persons with intellectual disabilities placed in a social welfare institution by a court ruling, the service provider shall ensure the availability of independent nursing care per 40 persons receiving the service at least 40 hours a week.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(7) The 24-hour special care service, except accommodation, may be provided to persons placed in a social welfare institution by a court ruling in the same premises and at the same time with the persons specified in subsection 11⁵⁰(1) of this Act, persons with a profound multiple disability and persons with a severe, profound or permanent mental disorder with unstable remission, taking into account the provisions of 11⁵² of this Act.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 11⁵². Requirements for 24-hour special care service in case of persons placed in social welfare institution by court ruling

If the 24-hour special care service is provided to a person placed in a social welfare institution by a court ruling, the provider of 24-hour special care service is, in addition to the requirements provided for in § 11⁵¹ of this Act, required to:

- 1) ensure that the person placed in the social welfare institution by a court ruling does not leave the premises or territory for provision of the 24-hour special care service without being accompanied by a person ensured by the provider of 24-hour special care service;
- 2) ensure 24-hour continuous surveillance and overview of the movement, location and activities of the person placed in a social welfare institution by a court ruling and
- 3) ensure that the person placed in a social welfare institution by a court ruling does not put himself or herself or other people in danger.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 11⁵³. Persons providing 24-hour special care service directly

(1) A provider of 24-hour special care service shall ensure 24-hour presence of at least one activity supervisor per 30 persons receiving the specified service and in addition to that the presence of at least one activity supervisor during daytime and in the evening.

(2) If the 24-hour special care service is provided to a person with a severe, profound or permanent mental disorder with unstable remission or a person with a mental disorder who has a profound multiple disability, the provider of 24-hour special care service shall ensure 24-hour presence of at least one activity supervisor per 15 persons receiving the specified service and in addition to that the presence of at least one activity supervisor during daytime and in the evening.

(3) If the 24-hour special care service is provided to a person placed in a social welfare institution by a court ruling, the provider of 24-hour special care service shall ensure 24-hour presence of at least one activity supervisor per 20 persons receiving the specified service and in addition to that the presence of at least one activity supervisor during daytime and in the evening.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

Division 5

Provision of Prosthetic, Orthopaedic and Other Appliances

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 12. Provision of prosthetic, orthopaedic and other appliances

(1) Persons who are in need of prosthetic, orthopaedic or other appliances due to illness, advanced age or disability have the right to receive the appropriate appliances.

(2) A list of prosthetic, orthopaedic and other appliances provided at a discount and the conditions and procedure for receipt thereof shall be established by the minister responsible for the area.

Division 6 Childcare Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 12¹. Childcare service

(1) Childcare service means a service supporting the ability of the caregiver specified in subsection 25²(1) of this Act to cope or work during the provision of which the care, development and safety of a child is guaranteed by a provider of childcare service instead of the persons specified above.

(2) If the childcare service, except the childcare service provided for a legal representative of a child with a severe or profound disability or a caregiver specified in subsection 25²(1) of this Act, is financed from the budget of the local government, the persons entitled to receive the childcare service, the volume of financing of the childcare service and the conditions and procedure for the provision of the childcare service shall be established by a local government council.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 12². Persons entitled to state-funded childcare service

The legal representative of a child with a severe or profound disability or the caregiver specified in subsection 25²(1) of this Act (hereinafter *person entitled to childcare service*) is entitled to state-funded childcare service until the end of the calendar year during which the child attains 18 years of age, provided that:

- 1) the need for care services of the child with a severe or profound disability is set out in the child's rehabilitation plan;
- 2) caring for the child is not guaranteed with other social services at the same time, except for foster care provided for in § 25¹ of this Act;
- 3) the child is not staying at an educational institution at the same time.

[RT I 2006, 55, 405 - entry into force 01.02.2007]

§ 12³. Acting as provider of childcare service

(1) The childcare service wholly or partially financed from the state or local government budget may be provided by sole proprietors, legal persons, local government authorities or authorities administered by governmental authorities who hold a valid activity licence granted by the county governor of the place of business of the provider of childcare service.

(2) If a person wishes to apply for an activity licence regardless of whether or not the childcare service is wholly or partially financed from the state or local government budget, the requirements provided for in subsection (1) of this section, in §§ 12⁷ and 12⁸ of this Act apply thereto.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 12⁴. Referral to state-funded childcare service

(1) A person entitled to state-funded childcare service shall submit an application for childcare service together with required documents to the rural municipality or city government of the residence of the child.

(2) The rural municipality or city government of the residence of a child with a severe or profound disability shall make a decision concerning the referral of an entitled person to the state-funded childcare service within 10 working days as of the submission of the application and all required documents.

(3) The format of the application specified in subsection (1) of this section and the list of the required documents shall be established by a regulation of the minister responsible for the area.

§ 12⁵. Contract under public law for provision of state-funded childcare service

(1) The rural municipality or city government of the residence of a child with a severe or profound disability shall conclude a contract under public law with the person entitled to childcare service and the provider of childcare service selected by the person entitled to childcare service for the provision of the state-funded childcare service, provided that:

- 1) the documents specified in subsection 12⁴(1) of this Act have been submitted to the rural municipality or city government of the residence of the child with a severe or profound disability;
- 2) the state-funded childcare service has not been provided to the child with a severe or profound disability during the same calendar year to the extent of the maximum cost established by a regulation of the Government of the Republic;
- 3) the rural municipality or city government of the residence of the child with a severe or profound disability has verified that no other social services which ensure caring are provided and the child with a severe or profound disability is not staying at an educational institution at the same time with the provision of the state-funded childcare service.

(2) If the local government of the residence of the child with a severe or profound disability changes after making the decision specified in subsection 12⁴(2) of this Act, the person entitled to childcare service shall notify the new rural municipality or city government of the residence of the decision concerning the satisfaction of the application for the state-funded childcare service.

(3) Upon the change of the local government of the residence of the child with a severe or profound disability the local government where the abovementioned child was last registered undertakes, at the request of the new local government, to transfer the funds allocated for the state-funded childcare service of the child with a severe or profound disability to the local government of the residence of the child with a severe or profound disability.
[RT I 2006, 55, 405 - entry into force 01.02.2007]

§ 12⁶. Public funding of childcare service

(1) The childcare service provided for persons entitled to childcare service shall be financed from funds allocated to the rural municipality or city budgets from the state budget. The funds for the state-funded childcare service shall be allocated to the rural municipality or city budget through county governments in accordance with the number of children with severe or profound disabilities residing in the local government as at 1 December each year.

(2) The maximum cost of the state-funded childcare service per child with a severe or profound disability in a calendar year shall be established by a regulation of the Government of the Republic.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

(3) The rural municipality or city government of the residence of the child with a severe or profound disability shall pay for the provision of the childcare services on the basis of invoices submitted in accordance with the contract entered into on the basis of § 12⁵ of this Act to the extent of the maximum cost established by the Government of the Republic.

(4) The rural municipality or city government may use the excess of funds specified in subsection (1) of this section for the provision and development of social services related to children with severe or profound disabilities and their families under the conditions and pursuant to the procedure established by the rural municipality council or city council.
[RT I 2006, 55, 405 - entry into force 01.02.2007]

§ 12⁷. Requirements for childcarers and for persons with whom they use common dwellings

(1) Childcarer means a natural person who personally cares for and develops a child and ensures a child's safety during the provision of the childcare service.

(2) A childcarer shall have full active legal capacity, and physical and mental health required for the provision of the childcare service and shall comply with the requirements provided for in clauses 25²(1) 2)–6) of this Act.

(3) In order to act as a childcarer, a person shall:

- 1) hold a childcarer's professional certificate issued on the basis of the Professions Act or
 - 2) have completed the specialty of special needs education, pre-school education, childcarer or social work.
- [RT I, 30.12.2011, 3 - entry into force 01.01.2012]

(3¹) A childcarer shall have at least six months' experience in working directly with children during the preceding ten years if more than ten years have passed from the completion of the specialty. A person not holding a childcarer's certificate shall have undergone at least a 16-hour first aid training during the preceding 36 months.
[RT I, 30.12.2011, 3 - entry into force 01.01.2012]

(4) If the childcare service is provided in the childcarer's dwelling, the other persons having full legal capacity who use the dwelling shall have mental health required for being together with children and they shall comply with the requirements provided for in clauses 25²(1) 3)–6) of this Act.

(4¹) The childcare service shall not be provided in childcarer's dwelling if the same dwelling is used by a person who has been punished or with regard to whom coercive treatment has been administered for a criminal offence provided for in §§ 133–133³, 141–145¹, 175, 175¹ or 178–179 of the Penal Code if information concerning the punishment has not been deleted from the punishment register pursuant to the Punishment Register Act or information concerning the punishment has been deleted from the punishment register and entered in the archives of the punishment register.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(5) If childcare services are provided in childcarer's dwelling, other adults using this dwelling shall undergo regular medical examination for communicable diseases, including chest radiography in every two years and they shall hold a health certificate concerning the undergone medical examination for communicable diseases.

(6) A family physician shall conduct medical examinations for communicable diseases and issue a written medical certificate.

§ 12⁸. Requirements for childcare service

(1) Upon provision of the childcare service, a childcarer may care for:

- 1) up to five children at a time in the dwelling of the child receiving the childcare service, including the childcarer's own persons who need care at the same time;
- 2) up to ten children at a time outside the dwelling of the child receiving the childcare service, including the childcarer's own persons who need care at the same time.

(2) If the childcare service is provided for more than five children at a time, each child with a severe or profound disability, a child under three years of age and the childcarer's own person with a severe or profound disability and child under three years of age who need care at the same time shall be deemed as two children.

(3) The childcare service may be provided in the dwelling of the child receiving the childcare service or in other premises suitable for childcare. If the childcare service is provided outside the dwelling of the child receiving the childcare service, the premises where the childcare service is provided shall comply with the health protection requirements for the childcare service established on the basis of the Public Health Act.

(3¹) Upon provision of the childcare service for more than ten children at a time at one place of business, the premises where the childcare service is provided, access routes to the premises and exit routes from the premises shall comply with the fire safety requirements provided for in the Building Act and established on the basis thereof for pre-school child care institutions.
[RT I 2010, 11, 56 - entry into force 28.03.2010]

(4) Upon provision of the childcare service for more than four hours:

- 1) the provider of childcare service shall ensure catering of the child according to the agreement between the person entitled to childcare service and the provider of childcare service. The provider of childcare service shall ensure, upon catering, compliance with the requirements established for handlers of food pursuant to the provisions of the Food Act;
- 2) if the childcare service is not provided in the dwellings of the child, the provider of childcare service shall supply the child with a sleeping place appropriate to the child's age and needs and according to the agreement between the person entitled to childcare service and the provider of childcare service.

(5) The work of a childcarer shall be guided by the instructions of the person entitled to childcare service and the interests of the child. The person entitled to childcare service and the childcarer shall exchange information concerning childcare.

(6) The provider of childcare service financed by the state or a local government shall prepare statistical reports concerning the childcare service pursuant to the procedure established on the basis of clause 6 8¹) of this Act and submit these to the local government of the location of the provision of the childcare service.
[RT I 2006, 55, 405 - entry into force 01.01.2007]

Division 7 Domestic Services

§ 13. Domestic services

(1) Domestic services are services provided to persons in their homes which help them cope in familiar surroundings.

(2) A list of domestic services and the conditions and procedure for their provision shall be established by local government bodies.

Division 8 Housing Services

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 14. Housing services

(1) Local government bodies are required to provide dwellings for persons or families who are unable or incapable of securing housing for themselves or their families and to create, if necessary, the opportunity to lease social housing. The procedure for the provision and use of social housing shall be established by the rural municipality council or city council on the basis of clause 8 2) of the Dwelling Act.

(2) Persons who have difficulties moving about, caring for themselves or communicating in a dwelling shall be assisted by the rural municipality or city government in adapting their dwelling or in obtaining a more suitable dwelling.

Division 9 Foster Care

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 15. Foster care

(1) Foster care is care for a person in a suitable family of which he or she is not a member.

(2) Foster care is effected on the basis of a written contract entered into between the rural municipality or city government and the caregiver.

Division 10 Substitute Home Service

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 15¹. Substitute home service

Substitute home service means ensuring family-like living conditions by a service provider specified in § 15³ of this Act to a child for meeting his or her basic needs, the creation of a secure physical and social environment promoting his or her development and preparation of the child for coping in accordance with his or her abilities as an adult.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15². Persons entitled to substitute home service

(1) A child who meets the requirements provided for in subsection 25¹(1) of this Act and whose care and raising is neither arranged by a guardian nor performed by a caregiver specified in subsection 25²(1) of this Act is entitled to substitute home service (hereinafter *child entitled to substitute home service*).

(1¹) A child specified in subsection 25¹(1¹) of this Act is also a child entitled to substitute home service under the conditions provided for in the same subsection.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(2) The substitute home service is provided for a child entitled to substitute home service:

1) until the child attains 18 years of age;

2) until the beginning of the following school year in daytime or, for medical reasons, in another form of study at a basic school, upper secondary school or vocational educational institution in case of acquiring basic or secondary education, or

[RT I 2010, 41, 240 - entry into force 01.09.2010]

3) until the end of the initial standard period of study established by the corresponding curriculum at a vocational educational institution, institution of professional higher education or in Bachelor's study or Master's study at an institution of higher education, if the child receiving the substitute home service continues studying at a vocational educational institution, institution of professional higher education or in Bachelor's study or Master's study at an institution of higher education in the same calendar year, if he or she acquired basic, secondary or higher education.

[RT I, 03.03.2011, 3 - entry into force 13.03.2011]

§ 15³. Provision of substitute home service

The substitute home service may be provided by sole proprietors, legal persons, local government authorities or authorities administered by governmental authorities who hold a valid activity licence granted by the county governor of the place of business of the service provider.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15⁴. Referral to substitute home service

(1) The rural municipality or city government of the residence of the child entitled to substitute home service shall make a decision concerning the referral of the child to the substitute home service taking account of the requirements provided for in § 25, subsection 31 (2) and subsection 32 (2) of this Act. The rural municipality or city government of the residence of the child shall select a suitable provider of substitute home service and submit thereafter the application for financing the substitute home service to the county governor of the residence of the child together with a copy of the child's identity document and a copy of at least one of the following documents:

- 1) a document certifying that the child's parents are deceased, declared to be fugitives or missing;
- 2) a court ruling concerning appointment of a guardian to the child's parent;
- 3) a judicial decision concerning restriction or deprivation of the right of custody over person from the child's parent in full;

[RT I 2009, 60, 395 - entry into force 01.07.2010]

- 4) a judicial decision concerning separation of the child from the parents;

[RT I 2009, 60, 395 - entry into force 01.07.2010]

- 5) a document concerning custody pending trial or imprisonment of the parents.

(2) The county governor of the residence of the child, the rural municipality or city government of the residence of the child and the provider of substitute home service shall enter into a contract under public law for the provision of the substitute home service (hereinafter *contract under public law for the provision of the substitute home service*).

(3) The rural municipality or city government of the residence of the child shall provide the provider of substitute home service with information concerning the child for the caring of whom the contract under public law for the provision of the substitute home service has been entered into.

(4) An official of the rural municipality or city government of the residence of the child engaged in social affairs shall visit the child receiving the substitute home service for the examination of the development and evaluation of the welfare of the child at least twice a year.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15⁵. Funding of substitute home service

(1) The service provided to a child entitled to substitute home service shall be funded from the state budget. The Ministry of Social Affairs shall ensure funding through county governments.

(2) The price of the state-funded substitute home service and the maximum cost per child entitled to substitute home service in a calendar year shall be established by a regulation of the Government of the Republic.

(3) The county governor of the residence of the child shall pay for the provision of the substitute home service to a child on the basis of the invoices submitted pursuant to the contract entered into on the basis of subsection 15⁴(2) of this Act to the extent of the maximum cost established by of the Government of the Republic.

(4) A county governor has the right to delegate, on the basis of a contract under public law, the organisation of funding of the substitute home service specified in clause 7 (1) 7¹) of this Act together with the right of entry into a contract under public law to a local government for performance.

(5) The rural municipality or city government may use the excess of funds transferred on the basis of a contract under public law specified in subsection (4) of this section for the provision and development of social services related to children and their families the objective of which is to preclude a child from becoming an entitled subject of the substitute home service under the conditions and pursuant to the procedure established by the rural municipality council or city council.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15⁶. Amendment and premature termination of contracts under public law of substitute home service

(1) If the need to amend a contract under public law of the substitute home service becomes evident, the rural municipality or city government of the residence of the child is required to review the terms and conditions of the contract by involving the contracting parties and to make amendments to the contract on the basis of an agreement between the parties.

(2) A contract under public law of the substitute home service shall be terminated prematurely, if:

- 1) extension of the contract is contrary to the interests of a child;
- 2) the child for whose benefit the contract under public law of the substitute home service was entered into dies;
- 3) the activity licence of the provider of substitute home service expires or is declared invalid.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15⁷. Documents of child receiving substitute home service

(1) The rural municipality or city government of the residence of a child shall collect and store the documents of the child receiving the substitute home service.

(2) The list of documents specified in subsection (1) of this section shall be established by a regulation of the minister responsible for the area.

(3) After entry into a contract under public law of the substitute home service the rural municipality or city government of the residence of the child referred to the substitute home service shall transfer the documents required for the provision of the substitute home service to the service provider.

(4) The list of documents specified in subsection (3) of this section shall be established by a regulation of the minister responsible for the area.

(5) Upon termination of the contract under public law of the substitute home service, the provider of substitute home service shall transfer the documents in its possession of the child who received the substitute home service to the rural municipality or city government of the residence of the child.

(6) Upon adoption of a child entitled to substitute home service, appointment of a guardian to him or her, his or her marriage or becoming an adult, the rural municipality or city government of the residence of the child shall deliver the documents of the child who received the substitute home service to the legal representative of the child or to the child who has become an adult against signature.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15⁸. Requirements for substitute home service

(1) A substitute home family consists of up to six children referred to the substitute home service.

(2) Each family of a substitute home shall have at least one education employee or a family parent complying with the requirements provided for in subsection 15⁹(5) of this Act.

(3) If the children of a substitute home family stay in a substitute home at least one education employee or a family parent shall stay there per each substitute home family on a 24-hour basis. If more than one-half of the children of a substitute home family are under three years of age or with severe or profound disabilities, at least two education employees or a family parent and an education employee shall stay in the substitute home family during daytime and in the evening.

(4) If a child of a substitute home family stays outside the substitute home, the provider of substitute home service shall guarantee opportunities to the child not staying in the substitute home to contact an education employee or a family parent, if necessary.

(5) A provider of substitute home service is required to:

- 1) guarantee care, education, development and safety of a child receiving the substitute home service;
- 2) guarantee collection of the information and documents concerning a child receiving the substitute home service;
- 3) immediately report a fatal accident of a child to the police and the parties to the contract entered into on the basis of subsection 15⁴(2) of this Act;
- 4) provide the substitute home service or be prepared for the provision of the substitute home service for at least four children;

5) guarantee that the education employee who is in a contractual relationship with the provider of substitute home service complies with the requirements provided for in subsections 15⁹(2)–(6) and the family parent complies with the requirements provided for in subsection 15¹⁰(2) of this Act;
6) prepare statistical reports concerning the substitute home service pursuant to the procedure established on the basis of clause 6 8¹) of this Act and submit these to the county governor of the location of provision of the substitute home service.

(6) The detailed contents of the duties specified in clauses (5) 1) and 2) of this section shall be established by a regulation of the minister responsible for the area.
[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15⁹. Requirements for education employees of substitute homes

(1) The education employees of substitute homes are assistant educators, junior educators, educators and senior educators.

(2) An education employee shall have full active legal capacity and comply with the requirements provided for in clauses 25²(1) 2)–6) of this Act.

(3) An assistant educator shall, in addition to the requirements provided for in clauses 25²(1) 2)–6) of this Act, comply with the following requirements:

- 1) he or she shall have completed at least secondary education;
- 2) he or she shall have undergone a 160-hour in-service training in social work or education established on the basis of subsection (8) of this section or shall have registered for the training. If an assistant educator has registered for the abovementioned in-service training upon entry into an employment contract, he or she shall undergo the training at least within three years from commencing employment in a position of assistant educator.

(4) A junior educator shall, in addition to the requirements provided for in clauses 25²(1) 2)–6) of this Act, comply with the following requirements:

- 1) he or she shall have completed secondary specialized or higher education in education or social work, or
- 2) he or she shall have completed secondary, other secondary specialized or higher education and shall have undergone a 160-hour in-service training in social work and 160-hour in-service training in education established on the basis of subsection (8) of this section.

(5) An educator shall have at least one year work experience with children and he or she shall, in addition to the requirements provided for in clauses 25²(1) 2)–6) of this Act, comply with the following requirements:

- 1) he or she shall have secondary specialized or higher education in education and shall have undergone a 160-hour in-service training in social work established on the basis of subsection (8) of this section,
- 2) he or she shall have secondary specialized or higher education in social work and shall have undergone a 160-hour in-service training in education established on the basis of subsection (8) of this section, or
- 3) he or she shall have other secondary specialized or higher education and shall have undergone a 160-hour in-service training in social work and 160-hour in-service training in education established on the basis of subsection (8) of this section.

(6) A person employed as a senior educator shall, in addition to the requirements provided for in clauses 25²(1) 2)–6) of this Act, comply with the requirements set out in clause (5) 1) or 2) of this section and

- 1) he or she shall have at least three years' work experience in child welfare;
- 2) he or she shall have instructed trainees, junior educators or educators for at least three months;
- 3) he or she shall have prepared a professional research paper or shall have participated in the development of child welfare.

(7) The compliance of education employees with the requirements provided for in subsections (2)–(6) of this section shall be verified by the provider of substitute home service.

(8) The procedure for conducting the in-service trainings in social work and education specified in subsections (3)–(5) of this section and the curricula of in-service trainings shall be established by a regulation of the minister responsible for the area.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 15¹⁰. Requirements for family parents and for persons with whom they use common dwellings

(1) A family parent is a natural person who lives together with the substitute home family 24 hours a day.

(2) A family parent shall have full active legal capacity and shall:

1) comply with the requirements provided for in clauses 25²(1) 2)–6) of this Act;
2) be at least 25 years of age;
3) comply with at least the requirements established for educators in subsection 15⁹(5) of this Act and shall, in addition, have passed the training specified in clause 25²(1) 7) of this Act.

(3) A family parent may raise and care for up to six children at a time.

(4) Each family parent shall have an assistant working full-time or part-time and complying at least with the requirements established for junior educators.

(5) A family parent may be employed under an employment contract or provide other services on the basis of other contracts with the consent of the local government of the residence of the child receiving the substitute home service, if the employment or provision of other services does not prevent the family parent from performing the duties arising from this Act.

(6) A family parent may use the assistance of a third person upon the provision of the substitute home service 42 calendar days a year.

(7) The compliance of family parents with the requirements provided for in this section shall be verified by the provider of substitute home service.

(8) If the substitute home service is provided in the dwellings of a family parent, the person having full active legal capacity with whom the family parent has common dwellings shall comply with the requirements provided for in clauses 25²(1) 3)–6) of this Act and shall have mental health required for being together with children.

(8¹) The substitute home service shall not be provided in the dwelling of a family parent if the same dwelling is used by a person who has been punished or with regard to whom coercive treatment has been administered for a criminal offence provided for in §§ 133–133³, 141–145¹, 175, 175¹ or 178–179 of the Penal Code if information concerning the punishment has not been deleted from the punishment register pursuant to the Punishment Register Act or information concerning the punishment has been deleted from the punishment register and entered in the archives of the punishment register.
[RT I, 13.12.2013, 5 - entry into force 23.12.2013]

(9) If the substitute home service is provided in the dwellings of a family parent, other adults with whom he or she uses common dwellings shall undergo regular medical examination for communicable diseases, including chest radiography in every two years and they shall hold a health certificate concerning the undergone medical examination for communicable diseases.

(10) A family physician shall conduct medical examinations for communicable diseases and issue a written medical certificate.

§ 15¹¹. Provision of substitute home service to unaccompanied minor aliens, minor victims of human trafficking and sexually abused minors

(1) The Social Insurance Board shall decide on the referral to substitute home service in the case of:
1) unaccompanied minor aliens;
2) minor victims of human trafficking for the purposes of the Victim Support Act and minors for the purposes of subsection 3 (2²) of the Victim Support Act;
3) sexually abused minors for the purposes of the Victim Support Act.

(2) The Social Insurance Board shall select a suitable provider of substitute home service for a person specified in subsection (1) of this section and enter into a contract under public law for the provision of the substitute home service with the provider of substitute home service and the legal representative of the minor.

(3) Upon referral of a person specified in subsection (1) of this section to substitute home service, the Social Insurance Board shall perform the obligations of a local government provided for in subsections 15⁴(3) and (4), §§ 15⁶ and 15⁷ of this Act, a regulation established on the basis thereof and subsection 15¹⁰(5) of this Act.

(4) Upon termination of the contract under public law of the substitute home service, the provider of substitute home service shall transfer the documents in its possession of the person who was referred by the Social Insurance Board to receive the substitute home service to the Social Insurance Board.

(5) Provision of substitute home service to persons specified in subsection (1) of this section shall be financed from the state budget through the Social Insurance Board.
[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

Division 11 Care in Social Welfare Institutions

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 16. Care in social welfare institutions

(1) A social welfare institution is an institution which operates during the daytime or 24 hours a day, where the persons staying in the institution are guaranteed care appropriate to their age and condition including treatment, nursing, education and development.

(2) A daytime social welfare institution is an institution where the daytime care of persons staying in the institution supports the independent ability to cope of those persons or their family members.

(3) A 24-hour social welfare institution is an institution where persons stay who are not capable of living independently due to their special needs or social situation and if their ability to cope cannot be guaranteed by the provision of other social services or assistance.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

Division 12 Requirements for Social Welfare Institutions

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 17. Organisation of temporary placement of child in family

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(1) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(4) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(5) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(6) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(7) The procedure for temporary placement of a child who is living in a children's social welfare institution in a family shall be established by a regulation of the minister responsible for the area.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 17¹. Obligation of social welfare institutions to submit reports

Social welfare institutions shall prepare statistical reports relating to social welfare and submit these to county governors pursuant to the procedure established on the basis of clause 6 8¹) of this Act.

[RT I 2004, 89, 605 - entry into force 01.01.2005]

§ 18. Types of social welfare institutions

(1) Social welfare institutions are:

1) day centres – institutions providing daytime care;

2) support homes – institutions providing daytime or periodic 24-hour care for disabled persons who live at home;

3) shelters – institutions offering temporary 24-hour assistance, support and protection for persons;

4) substitute homes – places for the provision of the substitute home service to children specified in § 15² of this Act;

[RT I 2006, 55, 405 - entry into force 01.01.2007]

5) youth homes – institutions established for living and rehabilitation for young people over 15 years of age who are from substitute homes, schools for students with special needs, residential educational institutions or have been left without parental care;

[RT I 2006, 55, 405 - entry into force 01.01.2007]

6) general care homes – institutions established for living, care and rehabilitation for the elderly and disabled persons;

[RT I, 30.12.2011, 3 - entry into force 09.01.2012]

7) residential educational institutions – institutions established for living, care, development and education for disabled school-age children;
8) social rehabilitation centres – institutions established for intensive rehabilitation of persons with special needs;
9) special care homes – premises and territory owned or used by a service provider where the community living service or 24-hour special care service, except 24-hour special care service required by a court ruling, is provided to more than five persons with special needs at a time.
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) 24-hour social welfare institutions are, in general, separate for children, the elderly, persons with a mental disorder and other socially incapable persons.
[RT I, 30.12.2011, 3 - entry into force 09.01.2012]

(3) If necessary, a rural municipality council or city council may establish mixed-care 24-hour social welfare institutions, where separate departments are provided for persons in need of different care.

§ 18¹. Prohibited objects and substances upon staying in social welfare institution

(1) A person receiving social services in a social welfare institution shall not possess the following substances and objects:

- 1) weapons within the meaning of the Weapons Act;
- 2) explosives, pyrotechnic substances and pyrotechnic articles within the meaning of the Explosives Act;
- 3) substances used for causing narcotic, toxic or alcohol intoxication and
- 4) other substances or objects which may constitute a danger to the person receiving the service and the life and health of other people.

(2) If a provider of social services becomes aware that a person receiving a social service in the social welfare institution possesses or that postal or other consignment addressed to him or her contains a substance or object specified in clause (1) 1) or 2) of this section or a substance specified in clause 3) of the same section used for causing narcotic intoxication, the service provider shall inform the police thereof.

(3) If a prohibited substance or object specified in subsection (1) of this section constitutes immediate danger to the person who possesses it or to other persons, the service provider shall take measures in order to reduce or remove the immediate danger.

(4) The service provider shall remove a substance or object specified in clause (1) 3) or 4) of this section from the person's possession. The service provider shall return a substance or object specified in clause (1) 3) or 4) of this section, which cannot be delivered to the police, to the sender of the postal or other consignment. If the sender is unknown or the substance or object has come into the person's possession in any other way than by post, the service provider shall give the substance or object to the legal representative of the person, in the absence of the latter the service provider shall personally store the substance or object taken from the person. The service provider shall destroy the substances and objects the value of which is less than 19 euros.

(5) If the state of health of the person receiving the service allows it, the substance or object specified in clauses (1) 3) and 4) of this section shall be confiscated from the person and destroyed at his or her presence.

(6) The service provider shall immediately prepare a report concerning the confiscation of the objects or substances specified in subsection (1) of this section which shall set out:

- 1) the time and place of preparation of the report;
 - 2) the given name and surname of the person who prepares the report;
 - 3) the given name and surname of the person receiving the service from whom the objects and substances were confiscated;
 - 4) a list of confiscated objects and substances;
 - 5) a notation concerning the delivery of prohibited objects to the person specified in subsection (4) of this section, an authority or the police and
 - 6) signatures of the person receiving the service or the legal representative of the person in the case of a person with restricted active legal capacity and of the person who prepared the report.
- [RT I, 21.03.2014, 1 - entry into force 31.03.2014]

Division 13

Care without Consent of Person

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 19. Placing persons in social welfare institution on basis of court ruling

(1) A person is placed in a social welfare institution to receive the 24-hour special care service without his or her consent or the consent of his or her legal representative (hereinafter *care without consent*) upon the existence of all the following circumstances:

- 1) the person has a severe mental disorder which restricts his or her ability to understand or control his or her behaviour;

- 2) the person is dangerous to himself or herself or others, if he or she is not placed in a social welfare institution to receive the 24-hour special care service and
- 3) the application of earlier measures has not been sufficient or the use of other measures is not possible.

(2) If a person is incapable of exercising his or her will, it is deemed that he or she has not granted his or her consent for the receipt of the service.

(3) The consent of the legal representative of a person is not a substitute for the consent of the person.

(4) Placing a person in a social welfare institution without the consent of the person, care without consent, the extension, suspension and termination thereof shall be decided by a court pursuant to the procedure prescribed in the Code of Civil Procedure for a proceeding for placing a person in a closed institution, unless otherwise provided by this Act.

(5) A court may place a person to a social welfare institution for care-giving without his or her consent for a period of up to one year as of the making of the court ruling. If the circumstances listed in subsection (1) of this section have not ceased to exist at the end of such term, the court may extend the term of the person's care in a social welfare institution without his or her consent at the request of the rural municipality or city government of the person's residence or his or her legal representative for up to one year at a time.

(6) The provider of 24-hour special care service, at whom the person receives care without consent on the basis of a court judgement, shall immediately notify the rural municipality or city government of the person's residence of the need to extend, suspend or terminate care in a social welfare institution without the person's consent and append the opinion of a psychiatrist concerning the justification of the suspension, extension or termination of care in a social welfare institution without the person's consent to the notification. The following are required to notify immediately a court of the need to suspend or terminate care without the person's consent:

- 1) the provider of 24-hour special care service at whom the person receives care without consent on the basis of a court judgement;
- 2) the rural municipality or city government of the person's residence and
- 3) the legal representative of the person, if he or she is aware of the need to suspend or terminate the care of a person without his or her consent.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 20. Prohibited objects and substances upon staying in social welfare institution

[Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

§ 20¹. Restriction on freedom of movement of persons receiving social services

(1) The restriction on free movement may be applied to:

- 1) persons who are placed in a social welfare institution on the basis of a court ruling in accordance with § 19 of this Act and
- 2) persons who receive the 24-hour special care service, if this is necessary for the protection of the rights and freedoms of such person and other persons.

(2) A provider of 24-hour special care service may restrict the right of a person with a mental disorder receiving the 24-hour special care service to move freely only insofar as it is necessary for the protection of the rights and freedoms of such person and other persons.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 20². Isolation of person from other persons receiving service

(1) A provider of 24-hour special care service may use only isolation as a restriction on freedom of movement with respect to persons who have not been placed to receive the 24-hour special care service by a court ruling. Isolation may be used in addition with respect to persons placed in a social welfare institution by a court ruling.

(2) Placing a person in an isolation room is deemed to be isolation. The person shall be constantly under the supervision of the provider of 24-hour special care service during the person's stay in an isolation room.

(3) The requirements for isolation rooms, the furnishing of the isolation rooms and the availability of drinking water shall be established by a regulation of the minister responsible for the area.

(4) Isolation may be used with respect to a person receiving the 24-hour special care service only if:

- 1) there is immediate danger arising from the person to the life, physical integrity or physical freedom of the person himself or herself or other persons;

[RT I, 03.03.2011, 3 - entry into force 13.03.2011]

2) verbal calming of a person or application of other measures known to the service provider and indicated by the doctor with respect to the specific person has been insufficient and
3) to the service provider's knowledge the doctor has not excluded the use of isolation with respect to the specific person.

(5) If circumstances specified in subsection (4) of this section become evident and before isolation the provider of 24-hour special care service shall notify the provider of emergency medical care or the police. In the case of the need for immediate isolation, the service provider may isolate the person before notification, taking account of the provisions of subsection (4) of this section.

(6) A person may be isolated from other persons receiving the service until the arrival of the provider of emergency medical care or the police, but not for longer than three consecutive hours.

(7) A provider of 24-hour special care service shall adopt a reasoned written decision concerning the isolation. The service provider shall notify the legal representative of the person, if the representative exists, of the isolation of the person.

(8) A provider of 24-hour special care service who uses isolation is required to prepare a report which shall set out:

- 1) the given name and surname of the person isolated;
- 2) the time of the beginning and end of isolation;
- 3) the detailed description of the situation prior to isolation, including the measures taken to calm the person;
- 4) the reasons for isolation;
- 5) the name of the person who made the decision on isolation and
- 6) information concerning the injury suffered by a person specified in clause 1) of this subsection, the provider of 24-hour special care service or a person with whom the service provider is in contractual relationship in order to provide the 24-hour special care service and concerning the premises for provision of the service or furnishings thereof damaged by the person.

(9) After the termination of isolation the provider of 24-hour special care service is required to explain the purpose and reason for isolation to the person who was isolated.

(10) A provider of 24-hour special care service shall prepare instructions for managing problem behaviour and isolation of restless and violent persons.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

Division 14

Other Social Services

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 21. Other social services necessary for coping

Rural municipality or city governments may provide other social services. The conditions and procedure for provision of material assistance and the procedure for registration, keeping account of and distribution of donations in a rural municipality or city shall be established by the local government.

Chapter 3¹

ACTIVITY LICENCE

[RT I 2006, 55, 405 - entry into force 01.01.2007]

§ 21¹. Licence requirement of provider of social services

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(1) An activity licence is required for the provision of the following social services:

- 1) childcare service funded by the state or a local government;
- 2) substitute home service;
- 3) everyday life support service;
- 4) employment support service;
- 5) supported living service;
- 6) community living service and
- 7) 24-hour special care service.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(2) [Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(2¹) [Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(3) [Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 21². Application for activity licence of provider of social services

(1) An application for an activity licence of a provider of social services shall be adjudicated by:

- 1) the county governor for the provision of the services specified in clauses 21¹(1) 1) and 2) of this Act;
- 2) the Social Insurance Board for the provision of the services specified in clauses 21¹(1) 3)–7) of this Act.

(2) The application specified in clause (1) 1) of this section shall be submitted:

- 1) in the case of a natural person, to the county governor of his or her place of residence entered in the population register, and in the case of a legal person, to the country governor of its seat, if the applicant wishes to provide the childcare service in the dwelling of the child receiving the childcare service;
- 2) in all other cases to the county governor of the place of business.

(3) In addition to the information provided for in the General Part of the Economic Activities Code Act, an application for an activity licence of a provider of social services shall set out the following information:

- 1) the number of persons to whom the applicant wishes to provide the service at the place of business;
- 2) upon application for an initial activity licence, the written consent of activity supervisors, childcarers, education employees or family parents for commencement of employment with the service provider applying for the activity licence.

(4) Upon application for an activity licence for the provision of the childcare service or substitute home service, the applicant shall submit, in addition to the information specified in subsection (3) of this section, a health certificate of the childcarer, family parent or education employee concerning the undergone medical examination for communicable diseases.

(5) If the applicant wishes to provide the childcare service or substitute home service in the dwellings of the childcarer or family parent, the following shall be submitted in addition to the documents specified in subsections (1) and (2) of this section:

- 1) the consent of the owner of the dwelling for the provision of the childcare service or substitute home service in the dwellings of the childcarer or family parent;
- 2) health certificates of the adults with whom the childcarer or family parent uses common dwellings concerning the undergone medical examination for communicable diseases.

(6) If the everyday life support service or supported living service is provided to a person who shares a common dwelling with its owner, the application for an activity licence shall include the consent of the owner of the dwelling for the provision of the everyday life support service and supported living service in the dwelling.

(7) Upon application for an activity licence for the provision of the everyday life support service, employment support service, supported living service, community living service and 24-hour special care service, the applicant shall submit, in addition to the information specified in subsection (3) of this section, a health certificate of the activity supervisor concerning the undergone medical examination for communicable diseases.
[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 21³. Subject of review of activity licence of provider of social services

An activity licence for the provision of social services is granted if:

- 1) the applicant for the activity licence, the service planned to be provided and the childcarer, education employee, family parent and activity supervisor (hereinafter *person providing the service directly*) comply with the requirements for the services, service providers and the persons providing the service directly provided for in this Act;
 - 2) the person providing the service directly or the person having full active legal capacity with whom the childcarer or family parent uses common dwellings has no criminal record concerning an intentionally committed criminal offence;
 - 3) the place for the provision of the service complies with the health protection requirements established on the basis of the Public Health Act;
 - 4) the place for the provision of the service complies with the fire safety requirements;
 - 5) in the case of the services specified in clauses 21¹(1) 1) and 2) of this Act, the requirements provided for in § 51¹ of the Republic of Estonia Child Protection Act are complied with.
- [RT I, 29.06.2014, 1 - entry into force 01.07.2014]

§ 21⁴. Validity of activity licence

[Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 21⁵. Term for adjudication of application for activity licence of provider of social services

An application for an activity licence shall be adjudicated within 20 working days after submission of the application.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 21⁶. Secondary conditions of activity licence of provider of social services

The following secondary conditions shall be added to an activity licence of a provider of social services:

- 1) the maximum number of persons to whom it is permitted to provide the service at the same time;
- 2) in the case of the 24-hour special care service, a specification concerning whether the undertaking has the right to provide the service to a person with a profound multiple disability, a person with a severe, profound or permanent mental disorder with unstable remission or a person placed in a social welfare institution by a court ruling in addition to a person specified in subsection 11⁵⁰(1) of this Act;
- 3) a place of business where it is permitted to operate.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 21⁷. Changes to information which is basis for issue of activity licence

[RT I 2006, 55, 405 - entry into force 01.01.2007]

(1) [Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(2) [Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(3) The list of information upon the changes to which the issuer of activity licences shall be informed shall be established by a regulation of the minister responsible for the area.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 21⁸. Suspension or termination of activities specified in activity licence

(1) The holder of an activity licence who wishes to suspend an activity specified in the activity licence shall submit a relevant application to the issuer of activity licences.

(2) An activity specified in an activity licence may be suspended for up to six months. A service provider specified in clause 21¹(1) 1) of this Act is required to notify the issuer of activity licences of the suspension of the activity thereof at least three months in advance. Suspension of the services specified in clauses 21¹(1) 2)–7) is not permitted.

(3) If the date of continuation of the activity is not entered in the application for suspension of an activity licence, in order to continue the activity, the holder of the activity licence shall submit an application to the issuer of activity licences for continuation of the activity. If the holder of an activity licence fails to notify the issuer of activity licences of the continuation of the activity, except if the activity specified in the activity licence was suspended for a specified term, the issuer of activity licences shall revoke the activity licence six months after the suspension of the activity specified in the activity licence.

[RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(4) The holder of an activity licence shall, upon the wish to terminate an activity specified in the activity licence, submit an application to the issuer of activity licences for revocation of the activity licence and set out in the application the date of termination of the activity specified in the activity licence.

(5) The provider of the service specified in clause 21¹(1) 1), 3) or 4) of this Act is required to submit the application specified in subsection (4) of this section at least three months before the termination of the provision of the service. The provider of the service specified in clause 21¹(1) 2), 5) 6) or 7) is required to submit the application specified in subsection (4) of this section at least six months before the termination of the provision of the service.

(6) The issuer of activity licences shall enter the information concerning the suspension of an activity specified in the activity licence in the register of economic activities within three working days as of the date of suspension set out in the application specified in subsection (1) of this section or, if the activity is suspended before the submission of the application, within three working days as of the date of submission of the application.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 21⁹. Revocation of activity licence

[Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

§ 21¹⁰. Application for new activity licence

[RT I 2006, 55, 405 - entry into force 01.01.2007]

(1) [Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

(2) In the case of a state-funded service, the service provider shall, upon the wish to continue the activity specified in the activity licence, apply for a new activity licence at least two months before the expiry of the existing activity licence.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

(3) [Repealed - RT I 2008, 58, 329 - entry into force 01.01.2009]

(4) [Repealed - RT I, 25.03.2011, 1 - entry into force 01.07.2014 (entry into force changed - RT I, 22.12.2013, 1)]

Chapter 4 SOCIAL BENEFITS

§ 22. Subsistence benefit

(1) A person living alone or a family whose monthly net income, after the deduction of the fixed expenses connected with dwelling calculated under the conditions provided for in subsections 22²(5) and (6) of this Act, is below the subsistence level has the right to receive a subsistence benefit. Subsistence level is established based on minimum expenses made on consumption of foodstuffs, clothing, footwear and other goods and services which satisfy the primary needs.

(1¹) The *Riigikogu* shall establish the subsistence level for a person living alone or to the first member of a family for each budgetary year by the state budget. A new subsistence level shall not be less than the subsistence level in force.

[RT I, 04.07.2014, 13 - entry into force 01.01.2015]

(1²) The subsistence level of the second and each subsequent adult member of a family is 80 per cent of the subsistence level of the first member of the family.

[RT I, 04.07.2014, 13 - entry into force 01.01.2015]

(1³) The subsistence level of each minor member of a family is equal to the subsistence level of the first member of the family.

[RT I, 04.07.2014, 13 - entry into force 01.01.2015]

(1⁴) If a minor member of a family attains 18 years of age during the month of application for a subsistence benefit, he or she shall be deemed to be a minor for the purposes of subsection (1³) of this section.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2) Upon the grant of a subsistence benefit, the following persons who live in the same dwelling and have a shared household are deemed to be family members:

- 1) persons who are married or in a relationship similar to marriage;
- 2) ascendants and descendants related in the first and second degree;
- 3) other persons who have a shared household.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2¹) Upon the grant of a subsistence benefit, students up to 24 years of age who are enrolled in daytime study at a basic school, upper secondary school or vocational educational institution and students up to 24 years of age who are enrolled in full-time or part-time study at a university, institution of professional higher education or vocational educational institution are deemed to be members of the family if the address details of their residence entered in the population register coincide with the address details of the residence of the family members specified in subsection (2) of this section.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2²) Students up to 24 years of age who are enrolled in daytime study at a basic school, upper secondary school or vocational educational institution and students up to 24 years of age who are enrolled in full-time or part-time study at a university, institution of professional higher education or vocational educational institution, whose address details of their residence entered in the population register do not coincide with the address details of the residence of the family members specified in subsection (2) of this section, have the right to receive a subsistence benefit from the rural municipality or city government of their residence entered in the population register provided that their family was granted a subsistence benefit in the previous or given month.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2³) If a student attains 25 years of age during the month of application for a subsistence benefit, subsections (2¹) and (2²) of this section shall not apply to the student.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2⁴) Subsections (2¹) and (22) of this section shall not apply to a student who is married or a parent or guardian of a child if the actual residence of the student is different from the actual residence of the family members specified in subsection (2) of this section.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2⁵) An adult ward whose guardian is a family member residing with him or her shall not be deemed a family member upon the grant of a subsistence benefit.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(3) Subsistence 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 this Act from funds transferred to the rural municipality or city budgets from the state budget.

§ 22¹. Application for subsistence benefit

(1) In order to obtain a subsistence benefit for a given month, a subsistence benefit applicant shall submit an application to the rural municipality or city government in whose administrative territory the actual residence of the applicant is located not later than by the twentieth day of the given month.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2) In an application, the applicant shall specify the names and personal identification codes or dates of birth of the persons to be considered upon the grant of a subsistence benefit pursuant to subsections 22 (2) and (2¹) of this Act.

(3) Documents shall be appended to an application specified in subsection (1) of this section certifying the net income of a person living alone or the members of a family received during the preceding month and amount of paid support. If any type or amount of income cannot be certified, a subsistence benefit applicant shall confirm the amount thereof by his or her signature.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(3¹) If the applicant wishes the fixed expenses connected with dwelling to be also covered upon the grant of a subsistence benefit, the applicant shall append documents to the application certifying:

- 1) the right to use the dwelling and such documents shall be submitted upon primary application and upon change of the legal basis for the use of the dwelling;
- 2) the fixed expenses connected with the dwelling payable during the given month specified in subsection 22²(6) of this Act.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(3²) Upon application for subsistence benefit for the first time or changes in the composition of objects in the list set out in this subsection, an applicant shall, in addition to the documents specified in subsections (1), (3) and (3¹) of this section, submit a written list which sets out the following objects used or owned by the applicant and his or her family:

- 1) immovables and dwellings which are movables;
- 2) vehicles within the meaning of the Traffic Act;
- 3) securities within the meaning of the Securities Market Act.

(4) Upon the grant of a subsistence benefit, the legal basis for the use of a dwelling shall be:

- 1) the right of ownership concerning the dwelling;
- 2) membership in a housing association (housing cooperative);
- 3) a contract on the basis of which the person has the right to use a dwelling or part of a dwelling used by the person who grants the use of the dwelling, except a contract entered into between the persons specified in subsection 22 (2) or (2¹) of this Act;
- 4) a contract the object of which is a dwelling or other premises used for residential purposes the use of which the state, a local government or other legal person in public law or a legal person in private law established by them for the administration of the residential building grants, in order to perform its functions arising from law,

to a person who urgently needs a dwelling or a person who is acquiring education, or a contract entered into for residing in a dwelling or other premises of a legal person in private law;

5) a real right contract for the use of a residential space (personal servitude), except a contract entered into between the persons specified in subsection 22 (2) or (2¹) of this Act.
[RT I 2009, 49, 332 - entry into force 31.10.2009]

(5) A contract for the use of a hotel-type accommodation establishment or the premises intended for holidays or the premises of a social welfare institution, except a contract for the use of premises of a social welfare institution entered into with a person entitled to receive a service in the course of the provision of the supported living service, is not the legal basis for the use of a dwelling upon the grant of a subsistence benefit.
[RT I 2009, 49, 332 - entry into force 31.10.2009]

§ 22². Bases for calculating subsistence benefit

(1) A subsistence benefit shall be calculated based on the net income of a person living alone or the net income of all the members of a family during the preceding month, from which support shall be deducted, the fixed expenses connected with dwelling and the established subsistence level.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(2) Upon calculating a subsistence benefit, the following shall not be included in the income of a person living alone or a family:

1) single benefits paid to a person living alone, a family or members thereof out of the funds of the state budget or local budget;

1¹) periodic benefits paid from local government budget funds pursuant to the legislation of the local government which are dependent on family income or granted to compensate for the cost of a specific service;
[RT I, 13.12.2014, 2 - entry into force 01.06.2015]

2) benefits paid on the basis of the Social Benefits for Disabled Persons Act, except for the disabled parent's allowance;
[RT I 2008, 58, 329 - entry into force 01.03.2009]

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

4) student loan granted with security guaranteed by the state;

5) grants and transport and accommodation benefits paid on the basis of the Labour Market Services and Benefits Act or from the structural assistance funds;
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

6) needs-based study allowance and needs-based special allowance paid on the basis of the Study Allowances and Study Loans Act and allowance paid from a special allowance fund established by an educational institution;
[RT I, 04.12.2014, 4 - entry into force 01.01.2015]

7) child allowance for the third and each subsequent child paid on the basis of the State Family Benefits Act in the amount of 45 euros for each child receiving child allowance;
[RT I, 04.07.2014, 13 - entry into force 01.01.2015]

8) needs-based family benefit paid on the basis of this Act.
[RT I, 22.12.2012, 14 - entry into force 01.07.2013]

(2¹) In addition to the provisions of subsection (2) of this section, a rural municipality or city government may choose not to include grants paid for a specific purpose or benefits paid to cover specific expenses or loss in the income of a person living alone or a family.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(3) If a subsistence benefit applicant or his or her family member receives income paid in advance or retroactively for several months, the subsistence benefit may be calculated on the basis of the average income during the six months preceding the application.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(4) Persons who are engaged in maintenance or support work in the territory of a rural municipality or city are paid remuneration for the performed work which, upon calculation of a subsistence benefit, is included in the income of a person living alone or his or her family. The work performed is not subject to coverage out of subsistence benefit funds.

(5) In order to grant subsistence benefit, local government councils shall establish limits for the expenses specified in subsection (6) of this section, which ensure decent subsistence for persons.

(6) Taking into account the limits established on the basis of subsection (5) of this section and the socially justified standards for dwellings established on the basis of clause 7 (1) 2) of the Dwelling Act or the number of family members, the following fixed expenses connected with dwelling payable during the given month shall be taken into account upon calculation of a subsistence benefit:

1) rent;

2) the administration costs of the apartment building, including costs related to repairs;
 3) repayment of loan taken for renovation of the apartment building;
 4) the cost of services of supplying water and leading off waste water;
 5) the cost of thermal energy or fuel consumed for supply of hot water;
 6) the cost of thermal energy or fuel consumed for heatings;
 7) the costs related to consumption of electricity;
 8) the cost of household gas;
 9) the expenses made on land tax, which is calculated based on the size of land that equals three times the area under the dwelling;
 10) the expenses made on building insurance;
 11) the municipal waste transport fee.
 [RT I, 13.12.2014, 2 - entry into force 01.06.2015]

(7) Upon grant of subsistence benefit, pre-existing arrears in payment of fixed expenses connected with dwelling are not included in the fixed expenses connected with dwelling payable during the given month, and such arrears are not subject to coverage out of subsistence benefit funds.

(8) Rent shall not be taken into account upon the calculation of a subsistence benefit if the lessor and lessee are persons who are married to each other but living in separate dwellings or ascendants and descendants related in the first and second degree.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(9) Land tax expenses shall not be covered upon the grant of a subsistence benefit if the applicant is exempt from the obligation to pay land tax on the basis of § 11 of the Land Tax Act.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(10) Upon the grant of a subsistence benefit to a family, a rural municipality or city government shall take into account, as an additional expense, the housing expenses of the persons specified in subsection 22 (2¹) of this Act pursuant to the provisions of subsections 22²(5) and (6) of this Act. For each person specified in subsection 22 (2¹) of this Act, the socially justified standard for the dwelling calculated for one family member shall be added to the socially justified standard for the dwelling calculated for the family.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

§ 22³. Grant and payment of subsistence benefit

(1) A subsistence benefit shall be granted for the given month. Subsistence benefit shall not be granted retroactively for the preceding months.

(2) Within five working days after the submission of all documents, a subsistence benefit shall be granted to a person living alone or to a family in an amount which, together with the incomes of all family members ensures an income within the subsistence limit, after the fixed expenses connected with dwelling or residential space have been deducted therefrom to the extent and according to the structure specified in this Act. Other expenses made by a person or a family during the given month shall not be taken into consideration upon the grant of a subsistence benefit.

(2¹) Upon grant of subsistence benefit, a rural municipality or city government shall provide social counselling services to the subsistence benefit applicants and their family members in need of assistance.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(3) A rural municipality or city government has the right to refuse to grant a subsistence benefit:

1) to a person between the age of 18 and the pensionable age with capacity for work who is not working or studying and who is not registered as unemployed with the Estonian Unemployment Insurance Fund or who has, more than once and without good reason, failed to comply with the Individual Action Plan or turned down suitable work offered to him or her, or has refused to participate in social services or study organised by a rural municipality or city government directed towards independent ability to cope;

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

2) if the subsistence benefit applicant or a child entitled to receive maintenance who lives together with the applicant, or other descendant or ascendant who needs assistance and is unable to maintain himself or herself has the right to receive support but who refuses to submit a document certifying the right to receive the support or refuses to claim the support;

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

3) if the corresponding committee of a rural municipality or city government finds that the movables and immovables used or owned by an applicant for subsistence benefit or his or her family ensure sufficient funds for coping for the person or his or her family.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(4) [Repealed - RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(4¹) [Repealed - RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(4²) A rural municipality or city government shall not refuse grant of subsistence benefit for the reason specified in clause (3) 3) of this section if only one dwelling used for permanent habitation and objects essential for everyday life, studies and employment are used or owned by the applicant for the subsistence benefit or his or her family.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(5) A rural municipality or city government shall pay the amount calculated as subsistence benefit, within three working days after the date on which the corresponding decision is made, to a subsistence benefit applicant to his or her bank account, to the bank account of another person, by post or in cash, taking into consideration the corresponding wish of the applicant as expressed beforehand.

[RT I 2010, 35, 192 - entry into force 08.07.2010]

(6) A subsistence benefit applicant who is granted a subsistence benefit to cover fixed expenses connected with dwelling is required to ensure payment of such expenses.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(7) If a subsistence benefit applicant who received a subsistence benefit to cover fixed expenses connected with dwelling in the previous month has not paid the corresponding expenses, a rural municipality or city government has the right to pay the fixed expenses connected with the dwelling specified in subsection 22²(6) of this Act for the subsistence benefit applicant out of the subsistence benefit granted to the person.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

§ 22⁴. Supplementary social benefits paid from state budget

(1) The recipient of subsistence benefit whose all family members are minors within the meaning of subsections 22 (2) and (2¹) of this Act has the right to receive supplementary social benefit of 15 euros together with the subsistence benefit.

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

(1¹) If a minor member of a family attains 18 years of age during the month of application for a subsistence benefit, he or she shall be deemed to be a minor for the purposes of subsection (1) of this section.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(2) A rural municipality or city government shall pay supplementary social benefit specified in subsection (1) of this section together with subsistence benefit from the state budget out of the funds allocated on the basis of subsection 42 (3) of this Act.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

§ 22⁵. Needs-based family benefit

(1) If at least one member of a family is a child receiving child allowance on the basis of the State Family Benefits Act, the family has the right to receive a needs-based family benefit provided that:

1) the average monthly net income of the family is below the income threshold of needs-based family benefit or

2) a subsistence benefit was granted to the family for the month preceding the application for a needs-based family benefit

[RT I, 06.07.2013, 1 - entry into force 01.01.2014]

(2) Persons specified in subsections 22 (2) and (2¹) and persons receiving child allowance specified in subsection 22 (2²) of this Act, unless the persons specified in subsection 22 (2²) of this Act are applicants for child allowance pursuant to the State Family Benefits Act, are deemed to be the members of the family specified in subsection (1) of this section.

(3) The average monthly income specified in clause (1) 1) of this section shall be calculated on the basis of the net income of the three months preceding the application for a needs-based family benefit, of which paid support is deducted. Upon application for a needs-based family benefit, the income specified in subsection 22²(2) of this Act shall not be included in the income of a family. A rural municipality or city government may also choose not to include the income specified in subsection 22²(2¹) of this Act in the income of a family. Upon application for a needs-based family benefit, the income specified in subsection 22²(4) of this Act shall be included in the income of a family.

[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(4) The *Riigikogus* shall establish the income threshold of needs-based family benefit for the first member of a family for each budgetary year by the state budget. The income threshold of needs-based family benefit shall be based on the relative poverty threshold as last published by the Statistical Office by 1 March of the year

preceding the budgetary year. A new income threshold of needs-based family benefit shall not be less than the threshold in force.

(5) Income threshold of needs-based family benefit for each subsequent family member who is 14 years of age or older shall be 50 per cent and the income threshold of needs-based family benefit for each family member under 14 years of age shall be 30 per cent of the income threshold of needs-based family benefit for the first member of the family.

(6) If a child attains 14 years of age during the month of application for a needs-based family benefit, the income threshold of the child shall be deemed to be 50 per cent of the income threshold of needs-based benefit of the first member of the family.

(7) If one member of a family is a child receiving child allowance on the basis of the State Family Benefits Act for whom the applicant for a needs-based family benefit or another member of the family receives child allowance, the needs-based family benefit shall be paid in the amount of 45 euros for a family. If at least two members of a family are children receiving child allowance on the basis of the State Family Benefits Act for whom the applicant for a needs-based family benefit or another member of the family receives child allowance, the needs-based family benefit shall be paid in the amount of 90 euros for a family.
[RT I, 04.07.2014, 13 - entry into force 01.01.2015]

(8) 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 this Act.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

§ 22⁶. Application for needs-based family benefit

(1) A person who is paid child allowance on the basis of the State Family Benefits Act for a child or children who are members of the family has the right to apply for a needs-based family benefit.

(2) If there are several persons specified in subsection (1) of this section in a family, only one of the persons can apply for a needs-based family benefit.

(3) In order to apply for a needs-based family benefit, an applicant for the needs-based family benefit shall submit an application not later than by the last working day of the month to the rural municipality of city government in whose administrative territory the actual residence of the applicant is located.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(4) The applicant shall indicate in the application the names, personal identification codes or dates of birth of the persons specified in subsections 22 (2) and (2¹) of this Act and, in the case provided for in subsection 22⁵(2) of this Act, of the persons specified in subsection 22 (2²) of this Act.

(5) Upon application for a needs-based family benefit on the basis of clause 22⁵(1) 1) of this Act, documents which prove the net income of all the family members specified in subsection (4) of this section received and the amount of support paid during the three months preceding the submission of the application shall be appended to the application. If any type of income cannot be documented, the applicant for a needs-based family benefit shall verify the amount thereof by his or her signature.
[RT I, 06.07.2013, 1 - entry into force 01.01.2014]

§ 22⁷. Grant of needs-based family benefit

(1) A needs-based family benefit shall be granted by a rural municipality or city government for the three months following the month of submission of an application in the amount provided for in subsection 22⁵(7) of this Act if the child or children who are members of the family are receiving child allowance in the month of application for the needs-based family benefit and other conditions provided for in this Act are fulfilled.

(2) Needs-based family benefit shall not be granted retroactively for the preceding months.

(3) A rural municipality or city government may refuse to grant a needs-based family benefit in the case specified in clause 22³(3) 2) of this Act.

(4) A rural municipality or city government shall make the decision on the grant of a needs-based family benefit within ten working days after submission of all documents.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

§ 22⁸. Payment of needs-based family benefit

(1) A needs-based family benefit shall be paid by a rural municipality or city government not later than by the twentieth day of the three months following the month of submission of an application to the applicant to his or her bank account, to the bank account of another person, by post or in cash, taking into consideration the corresponding wish of the applicant as expressed beforehand.

(2) Upon change in the amount of needs-based family benefit specified in subsection 22⁵(7) of this Act, needs-based family benefits shall be paid in the new amount as of the month of establishment of the new amount of needs-based family benefit.

[RT I, 04.07.2014, 13 - entry into force 01.01.2015]

§ 23. Supplementary social benefits paid from local government budget

(1) Rural municipality and city governments may grant and pay supplementary social benefits from a local government budget under the conditions and pursuant to the procedure established by the local government council.

(2) [Repealed - RT I 2008, 58, 329 - entry into force 01.03.2009]

§ 23¹. Social benefits for Estonian citizens who have settled in Estonia from foreign states or persons of Estonian origin and their spouses, children and parents

(1) An Estonian citizen who has settled in Estonia from a foreign state, a person of Estonian origin and the spouse, children and parents who have settled in Estonia together with him or her and who have attained the pensionable age provided for in § 7 of the State Pension Insurance Act have the right to receive a monthly social benefit at the national pension rate if the monthly income of the person is below the national pension rate.

[RT I 2010, 18, 97 - entry into force 16.05.2010]

(2) Applications for the grant of a social benefit specified in subsection (1) of this section shall be submitted to the Social Insurance Board.

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

(3) A social benefit specified in subsection (1) of this section shall be granted by the Social Insurance Board.

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

(4) A social benefit specified in subsection (1) of this section shall be granted from the date on which the right to the benefit arises, but retroactively not more than three months after the date of submission of the application. A social benefit shall be granted for a period during which a person meets the requirements provided for in subsection (1) of this section.

(5) A social benefit specified in subsection (1) of this section shall be paid according to the request of the recipient of the social benefit:

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

1) to the bank account of the recipient of the social benefit;

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

2) to the bank account of another person in Estonia on the basis of a written application of the recipient of the social benefit prepared at the Social Insurance Board or a notarised application; or

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

3) as home delivery by post at the expense of the recipient of the social benefit.

[RT I 2008, 48, 264 - entry into force 01.02.2009]

(6) The recipient of a social benefit specified in subsection (1) of this section is required to notify the Social Insurance Board of circumstances which bring about termination of payment of the granted social benefit in writing within ten days after the circumstances arise.

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

(7) The Government of the Republic shall establish a list of documents which are necessary for applying for social benefits specified in subsection (1) of this section and the instructions for grant and payment of the social benefits.

(8) The costs of social benefits specified in subsection (1) of this section shall be covered from the state budget through the budget of the Ministry of Social Affairs.

Chapter 5 PROTECTION OF PERSONS WITH SPECIAL SOCIAL NEEDS

§ 24. Child welfare

(1) For the administration of child welfare and the creation of an environment favourable for child development, rural municipality and city governments shall:

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

1) support and advise children and persons raising children by co-operating with family members, other persons and authorities concerned;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

2) develop and implement specific programmes and projects for the development and protection of children;

3) if necessary, appoint support persons or support families for children or persons raising children;

4) [repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

5) assist in organisation of adoptions;

6) organise foster care of a child in a family of which he or she is not a member.

[RT I 2009, 60, 395 - entry into force 01.07.2010]

(2) Positions of child protection officials shall be established in the social and health departments of counties and, if necessary, in rural municipality and city governments for the provision of assistance to children, families with children and other persons raising children. If necessary, a child welfare committee shall be established as an advisory body at a rural municipality or city government.

(3) Social workers specified in clause 2 11) of this Act and child protection officials specified in subsection (2) of this section working with children shall not be persons who have been punished or with regard to whom coercive treatment has been administered for a criminal offence provided for in clause 133 (2) 2), clause 141 (2) 1), clause 142 (2) 1), clause 143 (2) 1), clause 143¹(2) 1), §§ 144–146 or §§ 175–178 of the Penal Code if information concerning the punishment has not been deleted from the punishment register pursuant to the Punishment Register Act or information concerning the punishment has been deleted from the punishment register and entered in the archives of the punishment register.

[RT I 2007, 45, 320 - entry into force 20.07.2007]

§ 25. Separation of child from home and family

(1) A child may be separated from his or her home and family for the provision of social services and other assistance only upon the concurrent presence of the following circumstances:

1) deficiencies in the care and raising of the child endanger the child's life, health or development or if the child endangers his or her own life, health or development with his or her behaviour;

2) other measures applied with respect to the family and child have not been sufficient or it is impossible to use them;

3) separation of the child from the family is effected in the interests of the child.

(2) The subsequent residence, care and raising of a child separated from his or her home and family shall be arranged by the rural municipality or city government.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(3) Sisters and brothers originating from one family shall be kept together upon separation from their home and family unless this is contrary to the interests of the children.

(4) A child who is separated from his or her home and family has the right to receive information about his or her origin, the reasons for separation, and issues pertaining to his or her future.

(5) If a circumstance set out in subsection (1) of this section ceases to exist, the child shall be assisted in returning to his or her home and family.

(6) A rural municipality or city government shall, if necessary, provide assistance to a family from whom a child has been taken in order to help establish the prerequisite conditions for the child to return to the family.

(7) Upon placement of a child in care outside the administrative jurisdiction of a local government, the rural municipality or city government shall attend to the preservation of the child's connections with his or her former community, establish conditions for the child to return there, and help the child in his or her start in independent life.

§ 25¹. Child subject to foster care and his or her rights

(1) Orphans and a children left without parental care are subject to foster care:

1) if their parents are deceased, declared to be fugitives or missing;

2) if a guardian has been appointed to their parents due to restricted active legal capacity;

3) in the case of restriction or deprivation of the right of custody over the child from their parents in full;

4) if they are separated from parents;

5) if their parents are serving custody pending trial or imprisonment in a prison;

6) if they are unaccompanied minor aliens;

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

7) if they are minor victims of human trafficking for the purposes of the Victim Support Act or minors specified in subsection 3 (2²) of the Victim Support Act;

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

8) if they are sexually abused minors for the purposes of the Victim Support Act.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(1¹) A minor victim of human trafficking or a sexually abused minor specified in clauses (1) 7) and 8) of this section who is not an orphan or a child left without parental care and who has a legal representative may be subject to foster care if it is necessary for the safety of the minor and if the legal representative of the minor consents thereto.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(2) If a child is subject to foster care and a case plan is prepared for him or her, the wishes of a child who is at least 10 years of age shall be taken into account. The wishes of a child younger than 10 years of age shall also be considered if the development level of the child so permits. Before granting consent, the child has the right to get acquainted with the person who wishes to become a caregiver, his or her family members and home and receive information on them. The child has the right to bring his or her personal effects when he or she settles with the family of the caregiver.

[RT I 2006, 55, 405 - entry into force 01.01.2008]

§ 25². Requirements for person providing foster care and his or her family members and rights of caregiver

(1) A person who wishes to provide foster care to a child in respect of whom he or she has no maintenance obligation arising from the Family Law Act (hereinafter *caregiver*) shall comply with the following requirements:

- 1) the person has full active legal capacity, copes independently and resides permanently in Estonia;
- 2) the person has the necessary personal characteristics to raise a child;
- 3) the person has not been deprived of the right of custody and it has not been restricted on the grounds provided for in the Family Law Act;

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

- 4) the person has not been removed from performance of the obligations of a guardian or caregiver;
- 5) criminal proceedings have not been commenced in respect of the person to accuse him or her of a criminal offence for which imprisonment is prescribed as punishment and the person has not been convicted of an intentionally committed criminal offence the information concerning which has not been deleted from the punishment register pursuant to the Punishment Register Act;

[RT I 2007, 45, 320 - entry into force 20.07.2007]

- 6) the person is not dependent on alcohol, narcotic drugs or psychotropic substances;
- 7) the person has undergone training recognised by the Ministry of Social Affairs or has registered for the training.

(2) The adult family members of a caregiver with whom he or she has common dwellings and household shall comply with the requirements of clauses (1) 3)–6) of this section. The caregiver and the adult members of his or her family shall confirm their compliance with the requirements by signature. The rural municipality government or city government of the residence of the child or, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, the Social Insurance Board may demand that the caregiver and the adult members of his or her family submit documents in proof of their compliance with the requirements.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(3) A foster care contract shall be terminated if the caregiver or his or her adult family members no longer comply with the requirements of subsections (1) and (2) of this section and extension of the contract is contrary to the interests of the child.

(4) A caregiver has the right to receive information on a child which is necessary to care for the child from the rural municipality or city government of the residence of the child and, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, from the Social Insurance Board and to participate in preparation of a development plan for the child.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

§ 25³. Child subject to foster care

(1) [Repealed - RT I 2006, 55, 405 - entry into force 01.01.2008]

(2) A person who wishes to become a caregiver shall submit a corresponding written application to:

- 1) the rural municipality or city government of his or her residence;
- 2) the rural municipality or city government of the residence of the child if the residence of the child and the residence of the person who wishes to become a caregiver are not in the same rural municipality or city;
- 3) the Social Insurance Board if the caregiver wishes to provide foster care to a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(3) The rural municipality or city government or, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, the Social Insurance Board which has received an application shall:

- 1) verify, within one month after the receipt of the application, the compliance of a person who wishes to become a caregiver and the adult members of his or her family with the requirements of § 25² of this Act;
 - 2) shall ask, if the residence of the child and the residence of the person who wishes to become a caregiver are not in the same rural municipality or city or, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, information and an opinion in writing on the person who wishes to become a caregiver and his or her family members from the rural municipality or city government of their residence;
 - 3) shall provide social counselling services to the person who wishes to become a caregiver, visit his or her home and send him or her to relevant training recognised by the Ministry of Social Affairs.
- [RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(4) The rural municipality or city government of the residence of a child or, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, the Social Insurance Board shall decide on the suitability of a person who wishes to become a caregiver to provide foster care to the child on the basis of the compliance with the requirements of the person who wishes to become a caregiver and the adult members of his or her family, social counselling and the results of a visit to the home of the person who wishes to become a caregiver and training, if the person who wishes to become a caregiver has undergone training, and shall enter into a foster care contract (hereinafter *contract*) which is in accordance with the case plan prepared for the child with the person who wishes to become a caregiver.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(5) If the residence of the child and the residence of the caregiver are not in the same rural municipality or city, the rural municipality or city government of the residence of the child or, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, the Social Insurance Board shall inform the rural municipality or city government of the residence of the caregiver in writing of entry into a contract.

[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(6) The requirements for the foster care of a child and organisation thereof and for rooms used upon providing care shall be established by the minister responsible for the area.

§ 26. Social welfare of disabled persons

(1) In order to provide disabled persons with equal opportunities with other persons, their active participation in community life and independent ability to cope, rural municipality and city governments shall:

- 1) establish opportunities to reduce or remove restrictions caused by the disability by treatment, education and translation services;
- 2) establish, in co-operation with competent state bodies, opportunities for vocational training which would increase the competitiveness of disabled persons;
- 3) adapt employment positions and establish occupational centres, in co-operation with competent state bodies;
- 4) organise transportation for the disabled;
- 5) guarantee access to public buildings for disabled persons;
- 6) appoint a support person or personal assistant, if necessary.
- 7) [repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(2) Rural municipality and city governments shall organise the coping of a disabled person in need of assistance by the provision of social services, payment of social benefits, provision of emergency social assistance and other assistance.

[RT I 2004, 89, 604 - entry into force 01.04.2005]

§ 27. Social welfare of the elderly

[RT I, 30.12.2011, 3 - entry into force 09.01.2012]

(1) In order to assist the elderly to cope in surroundings familiar to them and to have a life of equal value with other persons, rural municipality and city governments shall:

[RT I, 30.12.2011, 3 - entry into force 09.01.2012]

- 1) establish opportunities for cheaper catering;
- 2) ensure the accessibility of information concerning services provided and establish opportunities for the use of social services;
- 3) establish opportunities for interaction and hobbies;
- 4) ensure the security and independence of the elderly living in social welfare institutions, respect for their private life and the opportunity to participate in decision-making pertaining to their physical and social environment and future.

[RT I, 30.12.2011, 3 - entry into force 09.01.2012]

§ 28. Social welfare of persons released from penal institutions and other persons in need of social assistance

Persons released from penal institutions and other persons in need of social assistance are provided, according to their needs, with social services prescribed in this Act or social benefits or emergency social assistance and assistance in finding employment; support persons are appointed and, if necessary, shelters are established for such persons.

§ 28¹. Provision of emergency social assistance

(1) Emergency social assistance is provided to persons who find themselves in a socially helpless situation due to the loss or lack of means of subsistence.

(2) Persons or authorities appointed or authorised by rural municipality or city governments shall provide emergency social assistance.

(3) Emergency social assistance shall be provided to a person until he or she is no longer in a socially helpless situation due to the loss or lack of means of subsistence.

§ 28². Curatorship of adults

(1) Curatorship is established by a rural municipality or city government for an adult who due to mental or physical disability needs assistance in the exercise of his or her rights and the performance of his or her obligations. The duties of a curator shall be determined upon establishment of the curatorship.
[RT I, 30.12.2011, 3 - entry into force 09.01.2012]

(2) Curatorship is exercised by a curator appointed by a rural municipality or city government. Curatorship is established and a curator is appointed with the consent of the person under curatorship.

(3) A curator may represent the person under curatorship only on the basis of a corresponding authorisation granted by the person under curatorship.

(4) A rural municipality or city government shall terminate a curatorship if requested by the person under curatorship or if the basis for establishment of curatorship ceases to exist.

(5) The procedure for the establishment of curatorship and appointment of curators shall be established by a local government council.
[RT I 2009, 60, 395 - entry into force 01.07.2010]

Chapter 6 PROCEDURE

§ 29. Procedure for provision of assistance

If a person turns to a rural municipality or city government, the rural municipality or city government is required:

- 1) to assess the person's need for assistance;
 - 2) to provide information concerning procedures;
 - 3) to refer the person to a competent authority or person, if necessary;
 - 4) with the consent of the person to co-operate with persons or authorities who help the person to receive the assistance which corresponds to his or her needs.
- [RT I 2006, 55, 405 - entry into force 01.01.2008]

§ 29¹. Provision of assistance based on the principle of case management

(1) If a person, in order to improve the ability to cope independently, needs long-term and diverse assistance which includes also the need to grant social services or benefits, the principle of case management shall be used upon the provision of assistance.

(2) The provision of assistance based on the principle of case management includes:

- 1) evaluation of a person's case;
- 2) formulation of objectives and planning of activities;
- 3) preparation of the case plan and the activity plan belonging thereto;
- 4) counselling and guidance of a person upon implementation of an activity plan;
- 5) performance of activities by different persons or institutions;

6) evaluation of results and, if necessary, amendment of the case plan and the activity plan belonging thereto.

(3) A case plan is a written document consisting of an evaluation to a person's need for assistance and the activity plan for resolving his or her problems. A case plan is informative.

(4) A case plan shall be signed by an official of the local government engaged in social affairs or a person authorised by the local government and a person for whom the case plan has been prepared. The person who needs assistance shall confirm by his or her signature that he or she has examined the contents of the case plan and that he or she will participate in the implementation of the activities specified in the case plan.

(5) The format of case plans shall be established by a regulation of the minister responsible for the area.
[RT I 2006, 55, 405 - entry into force 01.01.2008]

§ 29². Case plans for minors

(1) Case plans for minors shall be prepared on the basis of the provisions of § 29¹ of this Act taking into account the specifications provided for in this section.

(2) Before referral to the substitute home service or foster care specified in § 25³ of this Act the rural municipality or city government of the residence of the child or, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, the Social Insurance Board shall prepare a case plan for each child.
[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(3) After referral of a child to the substitute home service the rural municipality or city government of the residence of the child or, in the case of a child specified in clauses 25¹(1) 6)–8) or subsection 25¹(1¹) of this Act, the Social Insurance Board shall supplement the case plan of the child in accordance with the proposals of the provider of substitute home service. The case plan of a child referred to the substitute home service or foster care specified in § 25³ of this Act shall be reviewed at least once a year.
[RT I, 18.04.2013, 2 - entry into force 28.04.2013]

(4) A case plan prepared for a child referred to the substitute home service shall be an Annex to the contract under public law for the substitute home service. A case plan prepared for a child referred to foster care shall be an Annex to the contract specified in subsection 25³(4) of this Act.
[RT I 2006, 55, 405 - entry into force 01.01.2008]

§ 30. Submission of data

(1) A person shall submit data which is necessary for receipt of social services, social benefits, emergency social assistance and other assistance to a rural municipality or city government.

(2) A social welfare official has the right to receive supplementary data concerning a person necessary in order to provide assistance to him or her from other legal persons and natural persons if disclosure of such data is not prohibited by law.

(3) [Repealed - RT I 2010, 8, 39 - entry into force 01.04.2010]

(4) [Repealed - RT I 2002, 61, 375 - entry into force 01.08.2002]

(5) The data provided for in subsection (1) of this section shall be entered in the social register pursuant to the procedure established by the Government of the Republic.

5¹) [Repealed - RT I 2010, 8, 39 - entry into force 01.04.2010]

(6) If data is knowingly concealed or false data is submitted, benefits shall not be paid.

(7) If a benefit is paid to a person under the circumstances provided for in subsection (6) of this section, the person shall voluntarily refund the benefit received. If the person refuses to reimburse the benefit voluntarily, the rural municipality or city government may issue a precept to the person.

(8) In the case of failure to comply with the precept specified in subsection (7) of this section, the rural municipality or city government may issue a precept for compulsory enforcement pursuant to the procedure provided for in the Code of Enforcement Procedure.

(9) [Repealed - RT I 2005, 39, 308 - entry into force 01.01.2006]

§ 30¹. [Repealed - RT I, 2010, 8, 39 - entry into force 01.09.2010]

§ 30². Social Services and Benefits Registry

(1) The Social Services and Benefits Registry is a central database belonging to the state information system which is established for the recording and processing of social work carried out based on the principle of case management, recording and processing of the provision of social services and benefits and other assistance, organisation of adoption and guardianship, and collection of data concerning social welfare and data and statistics concerning social benefits paid by local governments which are independent of the persons' individual needs for assistance, ability to cope or financial situation.

(2) The Social Services and Benefits Registry, its statutes and the term for storing data shall be established by a regulation of the Government of the Republic.

(3) The chief processor of the Social Services and Benefits Registry is the Ministry of Social Affairs.

(4) The costs of the establishment and maintenance of the Social Services and Benefits Registry shall be covered from the state budget.

[RT I 2010, 8, 39 - entry into force 01.04.2010]

§ 30³. Authorised processors of Social Services and Benefits Registry

(1) Data concerning the application for and payment of subsistence benefits, needs-based family benefits and allowances for care and supplementary social benefits paid from state budget provided for in § 22⁴ of this Act, and data concerning the establishment of curatorship or appointment of curators shall be processed in the Social Services and Benefits Registry by local governments. The following have the right to process other data specified in subsection 30⁵(2) of this Act as authorised processors of the registry:

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

- 1) local governments;
- 2) county governments.

(2) On the basis of a contract under public law, local governments may authorise the following providers of social services to process personal data in the Social Services and Benefits Registry:

- 1) providers of social counselling;
- 2) providers of domestic services;
- 3) providers of housing services;
- 4) providers of care in social welfare institutions, except providers of special care services financed only from the state budget;
- 5) providers of other social services funded by a local government.

(3) On the basis of a contract under public law, county governments may authorise the following providers of social services to process personal data in the Social Services and Benefits Registry:

- 1) providers of substitute home service;
- 2) providers of childcare service holding an activity licence.

(4) A contract under public law for processing of personal data shall be entered into with the providers of social services specified in subsection (2) of this section by the local government of their seat and with the providers of social services specified in subsection (3) of this section by the county government of their seat.

(5) The list of personal data for the processing of which local governments or county governments may authorise providers of social services shall be established by the Government of the Republic in the statutes of the Social Services and Benefits Registry.

[RT I 2010, 8, 39 - entry into force 01.04.2010]

§ 30⁴. Submission of data to Social Services and Benefits Registry and exchange of data

(1) The following shall be required to submit data for entry in the Social Services and Benefits Registry in the case of an obligation to submit data arising from this Act or at the request of the chief or authorised processor:

- 1) local governments;
- 2) county governments;
- 3) persons who have turned to a local government or governmental authority for receipt of assistance;
- 4) the Ministry of Social Affairs;
- 5) providers of social counselling;
- 6) providers of childcare service holding an activity licence;
- 7) providers of domestic services;
- 8) providers of housing services;

- 9) providers of foster care service;
- 10) providers of substitute home service;
- 11) providers of care in social welfare institutions, except providers of special care services financed only from the state budget;
- 12) caregivers specified in subsection 25²(1) of this Act;
- 13) persons wishing to adopt;
- 14) caregivers within the meaning of the Family Law Act;
- 15) other persons or authorities providing social services within the meaning of this Act financed from a local government budget.

(2) The chief processor, county government and local government have the right to make inquiries and receive data from other state or local government databases to the extent of data processed thereby in order to perform the functions assigned thereto by Acts or legislation issued on the basis thereof.

(3) If exchange of data cannot be carried out pursuant to the requirements of the data exchange layer of information systems established on the basis of the Public Information Act, the chief processor or authorised processor shall organise the entry of data in the Social Services and Benefits Registry manually.

[RT I 2010, 8, 39 - entry into force 01.04.2010]

§ 30⁵. Data entered in Social Services and Benefits Registry

(1) A local government shall enter data necessary for the application for and payment of subsistence benefits, needs-based family benefits and allowances for care and supplementary social benefits paid from state budget provided for in § 22⁴ of this Act, and data concerning the establishment of curatorship or appointment of curators in the Social Services and Benefits Registry pursuant to the procedure established in the statutes of the Social Services and Benefits Registry.

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

(2) Entry of data concerning to the provision of social services, other social benefits, emergency social assistance and other assistance, data concerning the recording and processing of social work carried out based on the principle of case management, data concerning the organisation of adoption and guardianship, data concerning social benefits paid by local governments which are independent of the persons' individual needs for assistance, ability to cope or financial situation, and data provided for in subsection 30 (1) of this Act in the Social Services and Benefits Registry is voluntary.

(3) Data concerning the services specified in clauses 10 1¹)–2) of this Act shall be entered in the Social Services and Benefits Registry if the services are financed from a local government budget.

(4) If data specified in subsection (2) of this section are entered in the Social Services and Benefits Registry, the entry of data shall be based on the statutes of the Social Services and Benefits Registry.

[RT I 2010, 8, 39 - entry into force 01.04.2010]

§ 30⁶. Access to registry data

Providers of social services specified in subsections 30³(2) and (3) of this Act have access to data entered in the registry thereby and the following data concerning the person who has been referred to or who has, on the basis of a resolution of an administrative authority, turned to the corresponding provider of social services:

- 1) the given name and surname, personal identification code, date of birth, date of death and sex of the person;
- 2) the person's status in the population register and place of residence entered in the population register;
- 3) data entered by the administrative authority concerning the provision of the social service the person has been referred to receive.

[RT I 2010, 8, 39 - entry into force 01.04.2010]

§ 30⁷. Registration of processing sensitive personal data

An authorised processor specified in subsection 30³(1) of this Act shall appoint a person responsible for the protection of personal data in accordance with § 30 of the Personal Data Protection Act or submit a registration application in accordance with § 28 of the Personal Data Protection Act to the Data Protection Inspectorate for the registration of the processing of sensitive personal data or amendment thereof.

[RT I 2010, 8, 39 - entry into force 01.04.2010]

§ 31. Involvement and consideration of the opinion of the person

[RT I 2006, 55, 405 - entry into force 01.01.2008]

(1) In the resolution of issues pertaining to social welfare, the person who needs assistance and, with the consent thereof, the family members of the person shall be involved in order to find the most suitable assistance for the person. In the resolution of such issues, the opinion of the person shall be considered.

[RT I 2006, 55, 405 - entry into force 01.01.2008]

(2) In the resolution of issues pertaining to a child, ward or person under curatorship, the opinion of the parent, foster parent, guardian or curator shall be considered.

(3) Issues pertaining to social welfare may be resolved without considering the opinion of persons specified in subsections (1) and (2) of this section if this is not necessary for resolution or if resolution cannot be postponed due to urgency.

§ 32. Consideration of person's will

(1) Upon the provision of social services, social benefits and other assistance, a person's will shall be considered except in the cases provided for in §§ 19, 20¹, 20² and 25 of this Act.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

(2) In the resolution of issues pertaining to a child, the will of the parent or, if there is no parent, the foster parent or guardian and the will of a child who is at least 10 years of age shall be considered. Upon separation of a child from his or her home and family, the will of a child who is less than 10 years of age shall also be considered if the development level of the child so permits.

§ 33. Making and justification of decisions

(1) A local government shall decide on the provision of or refusal to provide social services, social benefits, emergency social assistance or other assistance and subsistence benefits and needs-based family benefits financed from the local government budget. If necessary or at the request of a person applying for social services, social benefits, emergency social assistance or other assistance, the relevant committee of the local government shall be involved in making the decision.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]

(2) Decisions must be justified and supported by Acts and other legislation. A decision may be made on the basis of a rehabilitation plan or a case plan of a person.
[RT I 2006, 55, 405 - entry into force 01.01.2008]

(3) Upon disagreement with a decision of an official or committee specified in subsection (1), the applicant has the right to file a challenge with the county governor.

§ 34. Notification of decision

(1) Decisions shall be communicated to the persons concerned in a manner which considers the age and development level of the persons and which they understand.

(2) A person shall be notified of a decision to refuse provision of social services, social benefits, emergency social assistance or other assistance in writing within five working days after the decision is made.
[RT I 2004, 89, 604 - entry into force 01.04.2005]

§ 35. Right to receive information concerning documents relating to social welfare

(1) A person has the right to receive information about documents concerning him or her in the possession of a welfare worker or in a social welfare institution.

(2) A welfare worker has the right to refuse to disclose information specified in subsection (1) of this section if such disclosure is contrary to the interests of the person receiving social welfare.

§ 36. Obligation to maintain confidentiality

A welfare worker may disclose information concerning a person or family receiving social welfare only if failure to disclose such information endangers the life or health of others or if the information is related to the commission of a criminal offence.

§ 37. Obligation to notify of need

The family members of a person in need of assistance, judges, police officers, prosecutors, heads of health care and educational institutions and other officials are required to give notice of the person or family in need of social welfare to the rural municipality or city government of the residence of the person or family.
[RT I, 29.12.2011, 1 - entry into force 01.01.2012]

§ 37¹. Exercise of state and administrative supervision

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(1) State and administrative supervision over compliance with the requirements provided for in this Act and legislation established on the basis thereof shall be exercised by the following law enforcement authorities:

- 1) the Health Board – state supervision over passing of medical examination provided for in subsection 12⁷(5) and subsection 15¹⁰(9) of this Act;
- 2) the Social Insurance Board – administrative supervision over the providers of the services specified in clause 10 1¹) of this Act and state supervision over the providers of the services specified in clauses 10 1²)–1⁶) of this Act;
- 3) county governor – state supervision over the providers of the services specified in clauses 10 2¹) and 5¹) of this Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(2) A county governor or a person authorised by him or her shall exercise administrative supervision over the quality of social services and other assistance provided in the county and the use of financial resources allocated by the state for social welfare. A corresponding report shall be submitted to the Government of the Republic at least once a year.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

(3) The Social Insurance Board has the right to obtain information necessary for supervision and verify the correctness of data on the basis of the data in the employment register provided for in § 25¹ of the Taxation Act.

[RT I, 16.04.2014, 3 - entry into force 01.07.2014]

§ 37². Specific state supervision measures

In order to exercise state supervision provided for in this Act, a law enforcement authority may apply the specific state supervision measures provided for in § 30 of the Law Enforcement Act on the basis of and pursuant to the procedure provided for in the Law Enforcement Act.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 37³. Penalty payment rates

Upon failure to comply with a precept, the maximum rate of the penalty payment imposed pursuant to the procedure provided for in the Substitutive Enforcement and Penalty Payment Act is 640 euros.

[RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 38. Assurance of quality of social services, emergency social assistance and other assistance

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 38¹. State supervision over provision of social services organised by Social Insurance Board

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 38². Precepts issued to providers of social services organised by Social Insurance Board

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 38³. Authorities exercising supervision over childcare service and substitute home service and their rights

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 38⁴. Precepts to the providers of childcare service and substitute home service

[Repealed - RT I, 13.03.2014, 4 - entry into force 01.07.2014]

§ 39. Duty of police to provide assistance where necessary

The police are required to provide assistance to welfare workers, where necessary, for entry into a person's dwelling or other location in order to protect the health of the person or other persons.

Chapter 7 FINANCING OF SOCIAL WELFARE AND REIMBURSEMENT OF SOCIAL WELFARE EXPENDITURE

§ 40. Financing of social welfare

Social welfare is financed from:

- 1) local government budgets;
- 2) the state budget;
- 3) funds of legal persons and natural persons who voluntarily engage in social welfare;
- 4) other funds.

§ 41. Financing from local government budget

Local government social welfare expenditure which is not financed from the state budget pursuant to the provisions of § 42 of this Act is covered from the local government budget.

§ 42. Financing from state budget

(1) The extent of state financing of social welfare expenditure is specified by the State Budget Act for the corresponding budgetary year.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(2) Expenditure relating to state social welfare management, state social programmes and projects, expenditure relating to social services financed by the state, expenditure relating to state social benefits, other expenses relating to performance of state social welfare duties and events.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(3) Funds shall be allocated from the state budget to rural municipality and city budgets for the payment of social benefits to persons living alone and to families in the case of need on the basis of the subsistence limit established by the Riigikogu and the terms and conditions for the payment of subsistence benefits established by this Act.

[RT I 2004, 89, 603 - entry into force 01.01.2005]

(3¹) Funds shall be allocated from the state budget to rural municipality and city budgets for the payment of needs-based family benefits on the basis of the income threshold of needs-based family benefits established by the Riigikogu and the conditions for the payment of needs-based family benefits established by this Act.

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

(3²) The costs of processing the applications for needs-based family benefits and payment thereof as costs of state functions performed by local governments shall be compensated to rural municipality or city governments from the state budget in an amount established by a regulation of the Government of the Republic.

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

(4) If the funds allocated from the state budget on the basis of subsection (3) of this section in the same budgetary year and the surplus in the relevant funds of the previous years are sufficient for the payment of the benefits specified in subsection (3) of this section, a rural municipality or city government may pay social benefits from the surplus in the abovementioned funds to persons in need of assistance in order to contribute towards coping or provide social services under the conditions and pursuant to the procedure established by the local government in the corresponding budgetary year.

[RT I 2009, 35, 232 - entry into force 06.07.2009]

(5) Support shall be prescribed for local governments in the state budget in accordance with the possibilities of the state budget for the development of social services aimed at the improvement of the independent coping of persons in need of assistance in the long run, introduction of new social services, including partial coverage of the costs of investments and payment of additional social benefits.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(6) The principles for the distribution of the funds allocated to local governments specified in subsections (3), (3¹), (3²) and (5) of this section between the local governments shall be established on the basis of the annual state budget by a regulation of the Government of the Republic.

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

§ 43. Coverage of expenditure incurred by legal persons and natural persons for social welfare

(1) Legal persons and natural persons who are voluntarily engaged in social welfare shall cover social welfare expenditure incurred by them from their own funds.

(2) The Ministry of Social Affairs, county governors and rural municipality and city governments may enter into contracts for the provision of social welfare with legal persons and natural persons specified in subsection (1) of this section and with other legal persons and natural persons, and may allocate financial and material resources to them to cover expenditure relating to social welfare.

§ 44. Other sources of financing

(1) Funds received from various funds, endowments, non-profit activities, donations and sponsorships and the funds of persons applying for social services or other assistance may be used to finance social welfare.

(2) Funds specified in subsection (1) of this section shall be registered, their use shall be accounted for, and the corresponding state body and rural municipality or city government shall have the right to audit their use.

§ 45. Fee charged for social services

(1) A person may be charged a fee for social services provided to the person or his or her family. A fee charged for a service depends on the extent and cost of the service and the financial situation of the person and family receiving the service. The charging of a fee from a person for social services shall be decided by the authority which provides or pays for the service.

(2) The limits and the procedure for charging of fees charged for state-funded social services, except for the community living service and 24-hour special care service, shall be established by the minister responsible for the area.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

§ 46. Reimbursement of social welfare expenditure

(1) A provider of social services, emergency social assistance or other assistance has the right to receive remuneration for incurred expenditure from the rural municipality or city government of the person's residence. The rural municipality or city government does not have the right to refuse to reimburse such expenditure if the manner and extent of the provision of assistance prescribed by an Act or other legislation or a contract are adhered to upon the provision of assistance.

(2) The procedure for the reimbursement of social welfare expenditure financed from the state budget, except the expenses of the provision of services to persons entitled to state-funded social services specified in §§ 11², 11³⁵, 11³⁹, 11⁴², 11⁴⁶, 11⁴⁹, 12² and 15² of this Act, shall be established by the minister responsible for the area.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

Chapter 8 IMPLEMENTING PROVISIONS

§ 46¹. Payment of earlier granted benefit

Benefits granted before 1 February 2009 shall be paid pursuant to the procedure provided for in § 23¹ of this Act as of 1 February 2009.

[RT I 2008, 48, 264 - entry into force 01.02.2009]

§ 46². Liquidation of national social register and data contained therein

(1) Local governments shall transfer the data in the national social register as at 31 January 2010 to the Ministry of Social Affairs not later than within 10 working days after the entry into force of the Act. Data added between 1 February and 31 March 2012 shall be transferred not later than by 16 April 2010.

(2) The Ministry of Social Affairs shall verify the compliance of the given names and surnames, and personal identification codes of the persons in need of assistance contained in the transferred data with the data in the population register. If the data contains errors, the local government shall correct the data.

(3) The Ministry of Social Affairs shall transfer from the national social register to the Social Services and Benefits Registry the following data concerning the person in need of assistance and the services provided and benefits paid to him or her until 31 March 2010:

- 1) general data concerning the person based on the data in the population register;
- 2) necessary data collected in the course of processing the services provided and benefits paid to the person.

(4) Data transferred to the Ministry of Social Affairs on the basis of subsection (1) of this section which are not entered in the Social Services and Benefits Registry shall be destroyed by 1 July 2010.

[RT I 2010, 8, 39 - entry into force 01.04.2010]

(5) The national social register shall be liquidated and data contained therein shall be transferred to the National Archives or destroyed in accordance with the Archives Act or, at the request of a local government, transferred to a database established by the local government.

[RT I 2010, 8, 39 - entry into force 01.04.2011]

§ 47. [Repealed - RT I, 2002, 61, 375 - entry into force 01.08.2002]

§ 48. Implementation

(1) The Social Welfare Act enters into force on 1 April 1995.

(2) Social welfare prescribed by law shall be performed from the state and local government budgets and other sources to the extent of the financial resources allocated.

(3) The social welfare provided by the state shall be progressively transferred to local governments and resources shall be concurrently directed thereto pursuant to the provisions of the Rural Municipality and City Budgets Act, and the State Budget Act.

(4) The term “*sotsiaalhooldus*” [social care] used in legislation passed and in force before the entry into force of this Act shall, as of 1 April 1995, be interpreted according to the definition of “*sotsiaalhoolekanne*” [social welfare].

(5) A foster care contract entered into before 1 January 2005 is valid until the date indicated therein, but not for longer than until 1 January 2007.

(6) Until 1 March 2005, the Ministry of Social Affairs and the Social Insurance Board shall ensure the provision of rehabilitation services to persons specified in subsection 11²(1) of this Act under the conditions and pursuant to the procedure in force in 2004.

(7) In 2005, the provision of rehabilitation services shall be financed under the conditions and pursuant to the procedure provided on the basis of subsection 46 (2) of this Act until the Government of the Republic establishes a regulation on the basis of subsection 11²(2) of this Act.

(8) The requirement to register in the register of economic activities as a provider of rehabilitation services which is provided for in § 11⁸ of this Act applies as of 1 March 2005.

(9) As of 1 July 2008, the requirements for education provided for in clause 11¹¹(2) 1) of this Act apply to persons specified in clause 11¹¹(2) 1) of this Act who, between 8 December 2004 and 1 March 2005, were employed at a rehabilitation institution as psychologists. Until 1 July 2008, the requirements valid before 1 January 2005 apply.

(10) As of 1 July 2008, the requirements for education provided for in clause 11¹¹(2) 3) of this Act apply to persons specified in clause 11¹¹(2) 3) of this Act who, between 8 December 2004 and 1 March 2005, were employed at a rehabilitation institution as social workers. Until 1 July 2008, the requirements valid before 1 January 2005 apply.

(11) As of 1 July 2012, the requirements for education provided for in clause 11¹¹(2) 4) of this Act apply to persons specified in clause 11¹¹(2) 4) of this Act who, between 8 December 2004 and 1 March 2005, were employed at a rehabilitation institution as occupational therapists or assistant occupational therapists. Until 1 July 2012, the requirements valid before 1 January 2005 apply.

(12) Until 1 July 2008, in addition to persons complying with the requirements provided for in clause 11¹¹(2) 6) of this Act, a physiotherapist may belong to a rehabilitation team if he or she complies with the requirements for education valid before 1 January 2005 or has acquired state-recognised secondary specialized education in nursing and has specialised in medical rehabilitation or physiotherapy.

(13) As of 1 July 2008, the requirements for education provided for in clause 11¹¹(2) 7) of this Act apply to persons specified in clause 11¹¹(2) 7) of this Act who, between 8 December 2004 and 1 March 2005, were employed at a rehabilitation institution as special education teachers, speech therapists or teachers. Until 1 July 2008, the requirements valid before 1 January 2005 apply.

(14) In the case of rehabilitation plans prepared before 1 January 2007, a child with a severe or profound disability is deemed to require care services if the part of the rehabilitation plan "Evaluation of the need for personal assistance, guidance or supervision proceeding from the client's operational capacity" includes at least one need for personal assistance (except upon communication) at least in every 24-four hour period.
[RT I 2006, 55, 405 - entry into force 01.01.2007]

(15) A person wishing to act as childcarer who complies with at least the requirements established for junior educators in subsection 15⁹(4) of this Act shall comply with the requirement specified in subsection 12⁷(3) of this Act by 1 January 2012.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(16) Until 1 January 2010, a substitute home family may consist of up to ten children. From 1 January 2010 to 1 January 2017, a substitute home family may consist of up to eight children.

[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(17) An education employee specified in subsection 15⁹(1) of this Act who is employed in a position specified in subsections 15⁹(3)–(6) of this Act and who has commenced acquisition of education required for working in the position shall comply with the education requirement by 1 July 2009. In the event of failure to comply with the requirement for education by the specified date the education employee shall be transferred to a position complying with his or her level of education.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

(18) An education employee who is in an employment or authorisation agreement relationship with a provider of substitute home service on 1 January 2007 and who has completed secondary education and for whom the right to receive a state old-age pension arises before 1 January 2012, has the right to work in the position of a junior educator until retirement.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

(19) A family parent specified in subsection 1510 (1) of this Act shall, upon commencing the provision of the substitute home service, be registered for the trainings specified in clause 15¹⁰(2) 3) of this Act and comply with the requirements for education and undergo the trainings specified in clause 15¹⁰(2) 3) of this Act by 1 July 2010 at the latest.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

(20) As of 1 July 2007, the requirement to hold an activity licence shall be applied to the providers of childcare service or substitute home service whose activity according to their articles of association or statutes as at 1 January 2007 is provision of the childcare service or substitute home service.

[RT I 2006, 55, 405 - entry into force 01.01.2007]

(21) The restrictions on employment of a person, provision of a service or issue of an activity licence established in § 10¹, subsection 127 (4¹), subsection § 15¹⁰(8¹), clause 21³(2) 6), clause 21⁵(1) 1¹), subsection 24 (3) and clause 25²(1) 5) of this Act are valid after entry into force of the provisions concerning persons employed to work with children.

[RT I 2007, 45, 320 - entry into force 20.07.2007]

(22) The requirement to hold an activity licence for the provision of special care services shall be implemented with respect to providers of special care services as of 1 January 2010.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(23) The persons who have been referred to receive the 24-hour care service with intensified support or intensified surveillance before 1 January 2009 shall be deemed to be persons specified in subsections 11⁵⁰(2) or (3) or persons placed in a social welfare institution by a court ruling referred to receive the 24-hour special care service as of 1 January 2009.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(24) In addition to the persons entitled to receive a service specified in subsection 11¹⁸(1) of this Act, the costs of the provision of a service specified in clause 10 1²), 1³), 1⁴), 1⁵) or 1⁶) of this Act shall be covered from the state budget:

1) for persons who receive a service specified in clause 10 1²), 1³), 1⁴), 1⁵) or 1⁶) of this Act on the basis of a letter of referral issued by a county government or any other administrative authority, a provider of rehabilitation services or a psychiatrist before 14 January 2008 – until the date specified in the letter of referral but not longer than until 31 December 2012;

2) for persons who do not have a letter of referral, the cost of the service provided to whom was covered until 31 December 2008 from the state budget from the funds allocated for welfare of persons with special psychological needs – until 31 December 2012 and

3) for persons, who have attained the pensionable age specified in § 7 of the State Pension Insurance Act and have been diagnosed with dementia, except persons placed in a social welfare institution by a court ruling, and who do not have any other severe, profound or permanent mental disorder in addition to dementia and who received, as at 31 December 2008, on the basis of a letter of referral a service specified in clause 10 1²), 1³), 1⁴) or 1⁵) of this Act or the 24-hour care service or 24-hour care service with intensified support or intensified surveillance – until 31 December 2015.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(25) If a person receives a service specified in clause 10 1²), 1³), 1⁴), 1⁵) or 1⁶) of this Act on the basis of a letter of referral issued by a county government or any other administrative authority, a provider of rehabilitation services or a psychiatrist before 14 January 2008, the service provided shall be paid for from the state budget on the basis of a framework contract entered into between the service provider and the Social Insurance Board, the invoices submitted by the service provider and the letter of referral issued to the person. If a person receives a service specified in clause 10 1²), 1³), 1⁴), 1⁵) or 1⁶) of this Act without a letter of referral, the service shall be paid for from the state budget on the basis of a framework contract entered into between the service provider and the Social Insurance Board and the invoices submitted by the service provider.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(26) A service provider with whom a framework contract specified in subsection 11²⁴(1) of this Act is entered into before 2010 for more than one year shall comply with the requirement to hold an activity licence for a special care service by 1 March 2010. If a service provider fails to comply with the requirement to hold an activity licence by the specified time, the framework contract shall be terminated.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(27) Until 31 December 2009, the Social Insurance Board shall enter into a framework contract with the providers of special care services, who comply with the requirements provided for in and on the basis of this Act and the requirements provided for in the Administrative Co-operation Act and the service provided by whom complies with the requirements provided for in and on the basis of this Act and the requirements provided for on the basis of the Public Health Act, within three months after the proclamation of the annual State Budget Act. If the Social Insurance Board publishes an additional notice concerning an intention to enter into a contract during a calendar year, the Social Insurance Board shall enter into a contract with the providers of special care services, who comply with the requirements provided for in and on the basis of this Act and the requirements provided for in the Administrative Co-operation Act and the service provided by whom complies with the requirements provided for in and on the basis of this Act and the requirements provided for on the basis of the Public Health Act, within three months after the publication of the additional notice.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(28) Until 31 December 2009, the Social Insurance Board may refuse to enter into a framework contract with a service provider, in addition to the cases specified in clause 11²⁴(8) 2) of this Act, in the case the service provider or the special care service provided thereby fails to comply with the requirements provided for in or on the basis of this Act or the requirements provided for in the Administrative Co-operation Act.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(29) The Social Insurance Board may, depending of the gravity of the violation, issue an activity licence to a service provider who provides a special care service as at 1 January 2009 and to whom a precept has been issued concerning the provision of the special care service, including the premises used therefor, if the service provider has prepared a written plan for the compliance with the precept within the term set out in the precept. The Social Insurance Board may issue an activity licence for a service provider for the term of two years.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(30) In addition to the persons specified in subsection 11²⁵(1) of this Act, a provider of special care services shall, until the date provided for in subsection (24) of this section, provide services on the basis of a framework contract to the following persons:

[RT I 2008, 58, 329 - entry into force 01.01.2009]

1) persons who turn to the service provider with a letter of referral issued by a county government, a provider of rehabilitation services or a psychiatrist before 14 January 2008 and

2) persons to whom the service provider commenced the provision of a service specified in clause 10 1²), 1³), 1⁴) or 1⁵) of this Act or the 24-hour care service or 24-hour care service with intensified support or intensified surveillance before 1 January 2009.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(31) In addition to the service provided to persons specified in subsection 11²⁵(1) of this Act, the Social Insurance Board is required to reimburse, by a framework contract, a service provider for the expenses of the provision of the service each month on the basis of the submitted invoices to the extent of the maximum cost of the service established by the Government of the Republic on the basis of subsection 11¹⁸(5) of this Act, but in the amount not exceeding the amount indicated in the invoice, if the service was provided to the persons specified in subsection (24) of this section and the service provided complied with the requirements provided for in this Act.

[RT I 2008, 58, 329 - entry into force 01.01.2009]

(32) Until 31 December 2017, special care services may be provided by activity supervisors who have acquired at least basic education, who have registered themselves for the 260-hour training in accordance with the plan

established on the basis of subsection 11³⁴(5) of this Act and who comply with the requirement provided for in subsection (2) of the specified section.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(33) Subsection 11³⁴(3) of this Act is applied as of 1 January 2018.
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(34) Until 31 December 2017, special care services may be provided to persons placed in a social welfare institution by a court ruling by activity supervisors who comply with the requirements specified in subsection (32) of this section and who have registered themselves for the 60-hour in-service training for work with persons with higher risk rate in accordance with the plan established on the basis of subsection 11³⁴(5) of this Act.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(35) In addition to activity supervisors specified in clause 11³⁴(4) 2) of this Act, until 31 December 2017, activity supervisors, who comply with at least one of the requirements established in subsection (1), the requirement established in subsection (2) of the abovementioned section and who have registered themselves for an in-service training for work with persons with a profound multiple disability or a severe, profound or permanent mental disorder with unstable remission in accordance with the plan established by the minister responsible for the area on the basis of subsection 11³⁴(5) of this Act, may provide services to persons with a profound multiple disability or a severe, profound or permanent mental disorder with unstable remission.
[RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(36) A provider of 24-hour special care service shall ensure performance of the obligation concerning the availability of independent nursing care specified in § 11⁵¹ of this Act to the prescribed extent not later than by 1 January 2010.
[RT I 2008, 58, 329 - entry into force 01.01.2009]

(37) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(38) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(39) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(40) [Repealed - RT I, 21.03.2014, 1 - entry into force 31.03.2014]

(41) A person receiving a service specified in clause 10 1⁴), 1⁵) or 1⁶) of this Act whose rehabilitation plan terminates during the period from entry into force of this section until 31 December 2012, is entitled to receive the same special care service if he or she complies with the requirements for persons entitled to receive the special care service, excluding a recommendation in the rehabilitation plan valid for the use of the special care service, during the total of five years as of the date indicated in the referral decision from which the person has the right to receive the abovementioned special care service.
[RT I 2009, 53, 360 - entry into force 12.11.2009]

(42) Providers of childcare service to whom an activity licence for the provision of the childcare service has been issued before entry into force of this Act shall comply with the requirement established in subsection 12⁸(3¹) of this Act by 1 January 2011.
[RT I 2010, 11, 56 - entry into force 28.03.2010]

(43) A 40-hour in-service training for work with persons with higher risk rate undergone before 1 January 2009 shall be considered equal to the training specified in clause 11³⁴(4) 1) of this Act.
[RT I, 03.03.2011, 3 - entry into force 13.03.2011]

(44) Until 31 December 2019, special care services may be provided by activity supervisors who have acquired basic education, who comply with the requirement provided for in subsection 11³⁴(2) of this Act and who have undergone the 260-hour training in accordance with the plan established on the basis of subsection 11³⁴(5) of this Act.
[RT I, 13.12.2014, 2 - entry into force 01.01.2015]

(45) Needs-based family benefits can be applied for as of 1 June 2013 and receive as of 1 July 2013 provided that all the conditions provided for in this Act are fulfilled.
[RT I, 22.12.2012, 14 - entry into force 01.06.2013]