

Consolidation Act on Social Services

An Act to consolidate the Act on Social Services, cf. Consolidation Act No. 150 of 16 February 2015, as amended by section 3 of Act No. 527 of 29 April 2015, section 1 of Act No. 529 of 29 April 2015, section 2 of Act No. 530 of 29 April 2015, section 1 of Act No. 649 of 18 May 2015 and Act No. 650 of 18 May 2015.

The amendment under section 1(ii) of Act No. 495 of 21 May 2013 on Amendment of Act on Social Services and Act on Legal Protection and Administration in Social Matters (Crime preventive social initiatives) has not been incorporated into this Consolidation Act since the Minister for Social Affairs and the Interior shall determine the effective date of this amendment, cf. section 3(2) of Act No. 495 of 21 May 2013.

The amendment under section 1(vi) of Act No. 722 of 25 June 2014 on Amendment of Act on Social Services, Act on Legal Protection and Administration in Social Matters and various other acts (Follow-up on evaluation of the Local Government Reform regarding the most highly specialised social area and the most highly specialised special educational, etc.) has not been incorporated into this Consolidation Act since the Minister for Social Affairs and the Interior shall determine the effective date of this amendment, cf. section 12(3) of Act No. 722 of 25 June 2014.

Title I Introduction

Part 1

Purposes and scope

1.–(1) The objectives of this Act are (i) to offer advice and support so as to prevent social problems, (ii) to offer a number of general services designed to serve as preventive measures at the same time and (iii) to satisfy needs resulting from impaired physical or mental function or special social problems.

(2) The purpose of the assistance provided under this Act is to improve the capability of the individual recipient to be self-reliant, or to facilitate his/her daily life and enhance the quality of life.

(3) The assistance provided under this Act is based on the individual recipient's personal responsibility and the responsibility for his/her family. The assistance shall be provided on the basis of a specific individual assessment of the recipient's particular needs and circumstances and in consultation with the individual recipient. Any decision under the Act shall be made on the basis of professional and financial considerations.

2.–(1) Any person who is lawfully staying in Denmark is entitled to assistance under this Act.

(2) The Minister for Social Affairs and the Interior shall lay down rules specifying any assistance that may continue to be provided to a person residing outside Denmark on a temporary basis and the conditions for the provision of such assistance.

(3) By agreement with other states or international organisations, the municipal council may grant assistance for long-term care or treatment etc. in Denmark to a person who has a special connection to Denmark, but who is not a Danish resident at the time of application. The same shall apply to the care or treatment etc. of a Danish resident taking up residence in another country to which he/she has a special connection.

2 a.-(1) Persons who are receiving compensation under the Act on Compensation for Victims of the Occupation Period because of their activities during World War II may be assessed directly from abroad to be eligible for accommodation in a nursing home, cf. section 192 below, with staff having special expertise in caring for persons suffering from the KZ syndrome.

(2) To be eligible for accommodation in a nursing home under subsection (1) hereof, a person shall (i) satisfy the conditions for obtaining a residence permit in Denmark and (ii) satisfy the applicable conditions for eligibility for nursing home accommodation in the municipality in which the nursing home is located.

(3) The Minister for Social Affairs and the Interior shall lay down rules governing compliance with the conditions for eligibility.

Part 2

Municipalities and regions

3.-(1) The municipal council shall make decisions as to services and facilities provided for under this Act.

(2) In the decisions by the municipal council as to the services and facilities provided for under sections 32, 36, 101, 103, 104 and 107-110 below, such decisions shall contain information about the specific initiatives to be implemented and the purposes thereof. If the specific initiatives are altered substantially, any decision to do so shall be subject to Parts 3-7 of the Public Administration Act. Decisions to alter the specific initiatives substantially may be brought before the National Social Appeals Board pursuant to the provisions of Part 10 of the Act on Legal Protection and Administration in Social Matters.

4.-(1) It shall be the responsibility of the municipal council to ensure that all necessary services and facilities under this Act are available.

(2) The municipal council shall comply with its responsibility to make services and facilities available under subsection (1) hereof by using its own services and facilities and by cooperating with other municipalities, regions or private facilities.

(3) Services and facilities subject to requirements of approval, cf. section 4 of the Act on Social Supervision, shall be approved by social supervision authority to form part of the municipality's responsibility to make services and facilities available, see subsection 2 hereof.

(4) In the event of an imminent need to place a citizen and where no suitable, approved services and facilities are available, a service or facility may form part of the municipal provision of services and facilities without being approved for up to three weeks. The social supervisory authority shall be informed of the use of non-approved services and facilities and may, where warranted by special circumstances, make a decision to the effect that the non-approved service and facility may be used for another three weeks.

5.-(1) By agreement with the municipal councils in the region, the regional council shall establish (i) services and facilities under sections 103 and 104, 107(2) and 108-110, (ii) special day-care and club facilities for children and young persons with substantial and permanent impairment of physical or mental function under sections 32 and 36, (iii) residential institutions for children and young persons with impaired physical or mental function, cf. section 67(2), (iv) secure residential institutions, cf. section 67(3) and (v) facilities for treatment of drug addicts under section 101 and 101a.

(2) Subsection (1) hereof shall not apply when services and facilities are established subject to an order under section 13c(1), first sentence.

(3) By agreement with the municipal councils in the region, the regional council shall assist in the provision of safe and appropriate technical aids.

(4) By agreement with the municipal councils in the region, the regional council shall establish services and facilities under sections 83-87, 97, 98 and 102 below for long-term accommodation for persons with substantial and permanent impairment of physical or mental function under the Act on Social Housing and Subsidised Dwellings in Private Housing Cooperatives etc.

(5) The regional council shall discharge its obligation under subsections (1), (3) and (4) hereof by using its own services and facilities and by cooperating with municipalities, other regions or private facilities.

(6) The municipal council may establish services and facilities falling within subsections (1), (3) and (4) hereof.

(7) The regional council may operate the facilities referred to in section 67(1) subject to agreement under section 194(2).

(8) The regional council shall supervise regionally operated services and facilities under sections 103 and 104 and regionally operated services under sections 32 and 36, cf. section 5(1)(ii). This shall not apply to services and facilities where a municipality has made a general agreement for the use of all places provided under the service or facility, including for supervision. The regional council may delegate its authority subject to this provision to the social supervisory authority, cf. section 2 of the Act on Social Supervision.

(9) The regional council may, at the request of the municipal council, undertake such municipal operations as are naturally associated with the region's responsibilities, and in respect of which the region therefore has special powers.

6.–(1) The municipal councils in the region and the regional council shall conclude an annual framework agreement on professional development, management and coordination of municipal and regional facilities under this Act which are located in the region. The framework agreement shall be negotiated and supplemented as needed.

(2) The municipal councils in the region shall coordinate the drafting of the framework agreement to be published and forwarded to the National Board of Social Services.

(3) The Minister for Social Affairs and the Interior may propose themes to be considered under the framework agreements.

(4) The Minister for Social Affairs and the Interior shall lay down rules governing the framework agreements, including rules on the type of facilities covered by the framework agreement, on the specific requirements for the content of the agreements, on deadlines for the conclusion of the agreements, on the coordination of the capacity and composition of the most highly specialised national and regional facilities and on development plans, cf. section 9 below.

7. The municipal council shall provide information about services and facilities covered by section 4 above to the Social Services Gateway, cf. section 14 below. This shall not apply to social services and facilities covered by section 4 of the Act on Social Supervision.

8. The regional council shall provide information about services and facilities covered by section 5 above to the Social Services Gateway, cf. section 14 below. This shall not apply to social services and facilities covered by section 4 of the Act on Social Supervision.

9.–(1) The regional council shall draw up a development plan for the region's accommodation facilities under sections 107-110 below if more than 100 places are available in each facility.

(2) The development plan drawn up by the regional council shall be set out in an agreement with the municipal councils in the region.

(3) The municipal council shall draw up a development plan for the region's accommodation facilities under sections 107-110 below if more than 100 places are available in each facility.

Title II Prevention, counselling and knowledge development

Part 3

Counselling by municipalities

10.–(1) The municipal council shall ensure that everybody is given the opportunity to obtain free counselling. The purpose of such counselling is to prevent social problems and to help the citizen overcome immediate difficulties and, in the longer term, enable the citizen to deal with problems as they arise without outside assistance. Counselling may be provided separately or in connection with other assistance under this Act or under any other legislation.

(2) Counselling shall be offered on an anonymous and open basis.

(3) In connection with the counselling, the municipal council shall pay attention to assessing whether the recipient is in need of any other assistance under this Act or under any other legislation.

(4) The municipal council shall provide counselling as to the choice of technical aids and consumer durables as well as instructions in the use thereof. This obligation may be discharged in cooperation with other municipalities.

Children, young persons and parents

11.–(1) The municipal council shall prepare measures that ensure cohesion between the municipality's general and preventive work and the targeted-oriented measures relating to children and young persons in need of special support.

(2) The municipal council shall as part of the early preventive work ensure that the parents of children or young persons, or any other persons having the actual care of a child or a young person, are offered free family-related counselling designed to resolve any problem or difficulty in the family. The municipal council shall offer such counselling through fieldwork specifically targeted at persons who must be assumed to be in need of counselling due to particular circumstances. The offer of counselling shall also apply to expectant parents. Parents as well as children and young persons seeking counselling may receive such counselling on an anonymous and open basis.

(3) The municipal council shall provide preventive measures for the child, young person or family when it is assessed that support under (i)-(iv) can accommodate the child's or young person's needs. The municipal council may offer the following preventive measures: (i) Consultancy, including measures targeting families. (ii) Network or support groups. (iii) Counselling on family planning. (iv) Other measures designed to resolve any problem or difficulty experienced by a child, a young person or a family.

(4) The municipal council may decide to provide financial support to the custodial parent if the municipal council finds that support under (i) and (ii) above can accommodate the child's or young person's need for special support. Financial support may be provided for: (i) Expenses incurred in connection with consultancy under subsection (3)(i) hereof. (ii) Expenses for contraception.

(5) Support under subsection (4)(i) is conditional on the custodial parent not having inadequate funds to meet such expenses.

(6) The municipal council may as part of the preventive work decide to provide financial support for leisure-time activities for children and young persons in need of special support. The municipal council may lay down criteria for awarding support under the first sentence hereof. Decisions by the municipal council to provide support for leisure-time activities may not be brought before any other administrative authority.

(7) The municipal council shall provide free counselling, examination and treatment of children and young persons with behavioural difficulties or substantial impairment of physical and mental function as well as their families. These obligations may be discharged in cooperation with other municipalities.

(8) The municipal council shall establish a family counselling scheme designed specifically for families with children under the age of 18 with considerably and permanently impaired physical or mental function. The scheme shall be offered within three months of the municipal council having been informed that functional impairment has been diagnosed.

(9) The Minister for Social Affairs and the Interior shall lay down rules regulating the family counselling scheme.

Adults

12.–(1) The municipal council shall offer free counselling of persons with impaired physical or mental function or with special social problems. Such free counselling shall also include fieldwork.

(2) The obligations under subsection (1) hereof may be discharged in cooperation with other municipalities.

Adults affected by honour-related conflicts

12 a.–(1) The municipal council shall ensure that persons over the age of 18 who contact the council due to honour-related conflicts have access to free counselling in pursuance of section 10 above.

(2) If the municipal council assesses that a need exists, persons over the age of 18 in risk of being or who are affected by a severe honour-related conflict shall be offered an action plan.

(3) The action plan must include (i) a risk assessment for the citizen concerned, (ii) information about the citizen's current situation, including relevant matters regarding residence, work, education and relationship with relatives, (iii) considerations regarding any relevant support measures in respect of residence, work and education and the purpose of such measures and (iv) considerations regarding any relevant support measures under this Act or other legislation and the purpose of such measures. (4) The action plan shall be prepared in cooperation with the citizen.

Part 4

National coordination and consultancy, Social Services Gateway and scheme of independent consultants

13.–(1) The national organisation for knowledge and specialist consultancy (VISO) under the National Board of Social Services shall provide municipalities and citizens with free advisory special counselling in the most highly specialised and complex individual cases. Free special counselling shall likewise be provided to municipalities, regions, schools and institutions, etc., as well as to citizens in relation to special education and specialised educational assistance.

(2) The national organisation for knowledge and specialist consultancy shall provide free needs identification services to municipalities and citizens in the few, most rarely occurring, special and complex cases where the requisite expertise is unlikely to be available in the individual municipality or among the facilities provided by the region. Free assistance shall likewise be provided for municipalities' assessment and identification of needs concerning special education and specialised educational assistance. The municipal council shall make decisions on referrals of citizens under the first sentence hereof.

(3) The national organisation for knowledge and specialist consultancy shall decide on any services to be provided under subsections (1) and (2) hereof. The decision cannot be brought before any other administrative authority.

(4) The national organisation for knowledge and specialist consultancy shall provide the most specialised consultancy services, including relevant material production, to the municipalities, citizens, schools, etc. in respect of special education and special educational assistance.

(5) If the municipal council, in the context of a case concerning special support for children and young persons under Part 11, uses counselling or needs identification services from the national organisation for knowledge and specialist consultancy pursuant to subsections (1) and (2) hereof, the municipal council may without consent disclose any necessary information, including information about the strictly private circumstances of the child, the young person or the family, to the national organisation for knowledge and specialist consultancy. Notwithstanding its entitlement to disclose information without consent, the municipal council shall try to obtain the relevant person's consent to disclose and process the information.

(6) The national organisation for knowledge and specialist consultancy may without consent process any necessary information, including information about the strictly private circumstances of the child, the young person or the family, which is disclosed by a municipality in connection with the provision of counselling and needs identification services pursuant to subsections (1) and (2) if such information is disclosed in the context of a case about special support for children and young persons under Part 11.

(7) The national organisation for knowledge and specialist consultancy provides free advisory counselling to municipalities in adoption cases where no consent has been obtained.

(8) The national organisation for knowledge and specialist consultancy shall provide free advisory counselling to municipalities on initiatives to prevent crime among children and young persons in general and in relation to individual cases.

(9) The national organisation for knowledge and specialist consultancy shall ensure the systematic collection, development, processing and presentation of professional knowledge in the social services area and in the area of the most specialised special education and special educational assistance, etc. The organisation for knowledge and specialist consultancy shall arrange for coordination and participation in testing, research and information activities in the technical aids field.

(10) Municipal and regional councils may agree with the national organisation for knowledge and specialist consultancy that the municipality or the region, in return for payment, may provide the organisation with the services referred to in subsections (1), (2) and (4) hereof.

(11) Subject to consultation with the Minister for Children, Education and Gender Equality, the Minister for Social Affairs and the Interior shall by order lay down rules governing the operation and organisation of the national organisation for knowledge and specialist consultancy.

13 a.-(1) The national organisation for knowledge and specialist consultancy shall reimburse any necessary transport costs to and from special counselling and any other necessary travelling expenses in connection with counselling where citizens are receiving free advisory special counselling under section 13(1) and (3) above.

(2) To be reimbursable under subsection (1) hereof, transportation shall be effected by the cheapest means of transport in the given circumstances.

(3) Expenses incurred shall only be reimbursable under subsection (1) hereof where the distance travelled to the place of counselling exceeds a limit specified by the Minister for Social Affairs and the Interior.

(4) Subject to consultation with the Minister for Children, Education and Gender Equality, the Minister for Social Affairs and the Interior shall by order lay down rules on the reimbursement of transport costs and any other necessary travelling expenses incurred in that connection.

13 b.-(1) The National Board of Social Services shall monitor the development in target groups, services and facilities and measures and collect and communicate knowledge on the effect of such measures in the most specialised social area and in the area for the most specialised special education provided pursuant to the Act on Primary and Secondary Education or the Act on Special Education for Adults.

(2) To ensure the required availability of highly specialised offers adapted to the development in the needs of the target groups in the most specialised social area and in the area for the most specialised special education, the National Board of Social Services may designate target groups or special measures that require extra coordination or planning across municipalities in one or more regions.

(3) The National Board of Social Services may, subject to reports on the municipal council's planning and organisation of measures targeting centrally designated target groups and measures, cf. subsection (2) above, request the municipal councils in one or more regions to reconsider their planning and organisation of the measures.

(4) In connection with a request made under subsection (3) above, the National Board of Social Services may issue a temporary order to a municipal council or regional council to maintain a service or facility until the National Board of Social Services has made a decision on an order regarding the service or facility in question or suspends the temporary order in pursuance of section 13c.

(5) The National Board of Social Services' designation of target groups and measures under subsection (2) above and decisions in the area for the most specialised special education under subsections (3) and (4) above are made subject to consultation with the Ministry for Children, Education and Gender Equality.

13 c.-(1) To ensure the required availability of highly specialised services or facilities adapted to the development of the needs of the target groups in the most specialised social area and special education area, the National Board of Social Services may in exceptional cases order a municipal council or a regional council to establish or continue to operate a service or facility or provide a measure covered by this Act. The National Board of Social Services may also in exceptional cases order a municipality or a region to continue or renew an operating agreement with existing private facilities and to conclude a new operating agreement if an existing agreement has been terminated.

(2) On the same conditions as specified in subsection (1) above, the National Board of Social Services may in exceptional cases issue an order to group minor services or facilities targeting the same target group into one service or facility if the National Board of Social Services assesses that such services or facilities on their own are not professionally or financially sustainable. The municipalities and regions shall agree which municipality or region is to operate the overall service or facility, including taking over one or more services or facilities under section 186a(1) or (2). Where the municipalities and regions have not reached an agreement on who is to operate the service or facility within four months of the order, the National Board of Social Services will make a decision on this. Other municipalities and regions may for the period during which the order applies not establish new services or facilities for the target group in question without the approval of the National Board of Social Services.

(3) In connection with an order pursuant to subsections (1) and (2) above, the National Board of Social Services shall order the municipalities in the relevant region or parts of Denmark to conclude an agreement on the financing of the operation of the service or facility to which the order relates. Where the municipalities have not reached an agreement on a financing model within four months of the order, the National Board of Social Services will make a decision to this effect.

(4) In connection with an order pursuant to subsections (1) and (2), the National Board of Social Services may issue or extend a temporary order under section 13b(4) above until an agreement or decision on financing model, cf. subsection (3) above, has been made.

(5) In connection with a decision to issue an order under subsections (1) and (2) above, the National Board of Social Services will set a time limit for the order. An order may not be effective for more than two years. Before the expiry of the time limit, the National Social Services may decide to renew the order.

(6) A decision issue an order on operation, including any decision on a financing model cannot be brought before any other administrative authority.

(7) The National Board of Social Services' decisions in the area for the most specialised special education under this provision above are made subject to consultation with the Ministry for Children, Education and Gender Equality.

(8) Where an order in pursuance of subsections (1) or (2) concerns an existing service or facility or establishment of a service or facility covered by section 4 of the Act on Social Supervision, it is a condition that the competent social supervisory authority, cf. sections 2 and 5 of the said Act, has approved or subsequently approves the and service(s) or facility(-ies) in question.

14.–(1) The Minister for Social Affairs and the Interior shall collect and communicate information about municipal, regional and private services and facilities covered by section 4 of the Act on Social Supervision and about municipal, regional and private services and facilities under sections 32, 36, 103 and 104 of this act in a national survey (Social Services Gateway).

(2) Only services and facilities registered in the Social Services Gateway may be included in the services and facilities provided by the municipal council, cf. section 4(2) above.

(3) Social services and facilities, etc. covered by section 4 of the Act on Social Supervision, can only be registered in the Social Services Gateway if they are approved by the social supervisory authority.

(4) The Minister for Social Affairs and the Interior may make announced and unannounced supervisory visits to the registered facilities in order to verify that the actual conditions are in accordance with registrations in the Social Services Gateway. Following such visits, the Minister for Social Affairs and the Interior may give notice of any inconsistencies to the municipal council of the municipality or the regional council of the region responsible for supervising the relevant facility, and may also notify the municipal councils of the municipalities that are obliged to provide assistance to the users under this Act. The Minister for Social Affairs and the Interior shall submit the supervision reports to disability councils in the municipalities involved.

(5) The Minister for Social Affairs and the Interior shall by order lay down rules on the Social Services Gateway, including on the duty of municipal and regional authorities to provide information to the Social Services Gateway. In addition, the Minister for Social Affairs and the Interior may decide that the Social Services Gateway shall include services and facilities other than the services and facilities referred to in subsection (1) hereof.

15. A scheme of independent consultants shall provide free counselling and guidance in cases concerning persons with impaired physical or mental function.

Title III User involvement

Part 5

User involvement, advisory bodies, etc.

16.–(1) The municipal council shall ensure that the users of services and facilities provided under this Act are given an opportunity to impact on the planning and use of the services and facilities. The municipal council shall lay down written guidelines for such user involvement.

(2) The municipal council may set up one or more councils advising the municipality as to the planning of the measures provided for by this Act. The municipal council shall determine the scope and content of the duties and responsibilities of such councils.

17. (Repealed)

18.–(1) The municipal council shall cooperate with voluntary social organisations and associations.

(2) The municipal council shall allocate an amount for the support of voluntary social work every year.

(3) The scope of the cooperation shall be specified by the individual municipal council.

(4) The Minister for Social Affairs and the Interior shall lay down guidelines for submission by the municipal council of reports on the local development of the voluntary social work and guidelines for central follow-up action.

Title IV Children and young persons

Part 6

General provisions

19.–(1) The municipal council shall ensure that the measures and activities affecting children, young persons and their families are implemented in such a manner as to promote the development, well-being and independence of children and young persons. This applies to the implementation of measures of a general and preventive nature, as well as more target-oriented measures relating to children and young persons with impaired physical or mental function or any other particular need for support.

(2) The municipal council shall prepare a cohesive child policy designed to secure cohesion between the general and preventive work and the targeted-oriented measures relating to children and young persons in need of special support. The cohesive child policy shall be formulated in writing, adopted by the municipal council and published.

(3) As part of the cohesive child policy, cf. subsection (2) above, the municipal council shall draw up a plan for cohesive measures against juvenile delinquency.

(4) The municipal council shall ensure that the measures implemented under this Act in respect of children and young persons with impaired physical or mental function or any other particular need for support complement any other statutory measures implemented in respect of the same children and young persons.

(5) The municipal council shall prepare a contingency plan for the prevention, early detection and processing of cases involving abuse of children and young persons. The contingency plan shall be formulated in writing, adopted by the municipal council and published. The municipal council shall revise the contingency plan as and when needed, but at intervals of not less than four years.

Part 7

Day-care facilities for children

20-31. (Repealed)

Special day-care facilities for children and approval of parents providing assistance in the home

32.–(1) The municipal council shall make a decision on assistance to children in special need of assistance or support due to substantial and permanent impairment of physical or mental function. Assistance may be provided in special day-care facilities, cf. subsection (3) hereof, in special club facilities, cf. section 36, or in connection with any other facilities hereunder or pursuant to the Day-Care Facilities Act. Assistance may also be provided in whole or in part by parents in the home; cf. subsections (6)-(8) below.

(2) The Minister for Social Affairs and the Interior shall lay down rules governing cooperation with parents, the involvement of the child or young person, the identification of the child's or young person's needs and municipal case planning practices.

(3) The municipal council shall ensure that day-care facilities are available for the requisite number of children who due to considerably and permanently impaired physical or mental function are in need of special support, treatment, etc. where such needs cannot be satisfied by attending conventional day-care facilities or after-school facilities pursuant to the Day-Care Facilities Act.

(4) The Minister for Social Affairs and the Interior shall by order lay down rules governing parents' boards in special day-care facilities.

(5) The Minister for Social Affairs and the Interior shall by order lay down rules governing the calculation of subsidies and co-payment for special day-care facility attendance.

(6) At the request of the custodial parent, the municipal council shall, in accordance with the conditions set out in subsections (2) and (3) above, approve that parents provide assistance in the home pursuant to subsection (1) hereof. Assistance provided in the home shall meet the needs and requirements of the child or young person, and the parents shall be capable of performing the tasks. Physical training of the child in the home shall be provided in accordance with documented training methods. The municipal council shall, on a regular basis, supervise the activities involving the child.

(7) The municipal council shall pay compensation for loss of earnings under sections 42 and 43 hereof to parents who support and train a child or a young person under the age of 18 suffering from considerably and permanently impaired physical or mental function in the home.

(8) The municipal council shall arrange for training equipment, courses, assistants, etc. when parents train a child or a young person at home. The cost of training equipment, courses, assistants, etc. for the child or young person payable by the municipal council shall not exceed DKK 500,000 on an annual basis.

(9) The Minister for Social Affairs and the Interior shall lay down rules on support in the home, including rules governing verifiable methods, regular supervision of activities as well as training equipment, courses, assistants, etc.

Part 8

Clubs and other socio-educational leisure-time facilities for older children and young persons

33-35. (Repealed)

Special club facilities

36.-(1) The municipal council shall ensure that access is available in special club facilities for the requisite number of older children and young persons with special needs for support, treatment, etc. due to substantial and permanent impairment of physical or mental function which cannot be satisfied by attendance at one of the facilities specified in sections 65 and 66 of the Day-Care Facilities Act.

(2) The Minister for Social Affairs and the Interior shall by order lay down rules governing the calculation of subsidies and co-payment for special club facility attendance.

Part 9

Financial subsidies etc.

Subsidies for parents electing private care

37-38. (Repealed)

Subsidies for parents on child-care leave

39.-(1) The municipal council may decide to pay supplementary subsidies to parents in receipt of benefits while on child-care leave, cf. the Child-Care Leave Act. The municipal council may decide that such subsidies shall be payable only to parents with children of a specific age group.

(2) The municipal council shall fix the amount of subsidies, subject to a maximum of DKK 35,000 a year. The subsidies may be fixed so as to vary according to the age of the child.

(3) For employed persons on child-care leave, the total amount of the subsidy and the benefits received while on leave shall not exceed 80 per cent of the previous income level. For employed persons on child-care leave who are entitled to receive unemployment benefits, however, the total amount of the subsidy and the benefits received while on leave shall correspond at least to the amount of unemployment benefits to which the person on child-care leave would be entitled subject to full-time unemployment immediately prior to the leave, cf. the Act on Unemployment Insurance etc., unless the subsidy would thereby exceed the amount of the subsidy fixed by the municipal council, cf. subsection (2) hereof.

(4) For unemployed persons on child-care leave, the total amount of the subsidy and the benefits received while on leave shall not exceed an amount equalling the amount of unemployment benefits to which the person on child-care leave was entitled subject to full-time unemployment immediately prior to the leave, cf. the Act on Unemployment Insurance etc.

(5) For unemployed persons on child-care leave for whom the entitlement to financial support constitutes the basis for the benefits received while on child-care leave, the total amount of the subsidy and the said benefits shall not exceed an amount equalling the social assistance to which the person on child-care leave would be entitled under section 25 of the Act on an Active Social Policy.

(6) The subsidy shall be payable by the municipal council against documentation of the receipt of benefits while on child-care leave.

40.–(1) The municipal council shall pay a special supplementary subsidy to single parents who (i) are employed or self-employed, (ii) have children between the ages of 24 weeks and 5 years for whom the municipal council is unable to allocate

access to a day-care facility, cf. sections 19 and 21 of the Day-Care Facilities Act and (iii) elect paid child-care leave, cf. the Child-Care Leave Act.

(2) The said supplementary subsidy shall be payable only to the parent in whose home the child stays most of the time. If a child stays with both parents for equal periods of time, the supplementary subsidy shall only be payable to the parent with whom the child has his/her registered address.

(3) The special supplementary subsidy under subsection (1) hereof amounts to the difference between the benefits received while on child-care leave and the rate of social assistance payable to recipients with dependent children, cf. section 25 of the Act on an Active Social Policy.

(4) The total amount of the special supplementary subsidy and the benefits received while on child-care leave shall not exceed 80 per cent of the previous income level.

(5) Where the municipal council pays a supplementary subsidy exceeding or equalling subsidies under subsection (1) hereof, only the subsidy under section 39 above shall be payable. If the special supplementary subsidy payable under subsection (1) hereof exceeds the subsidy payable under section 39 above, only the subsidy under subsection (1) hereof shall be payable.

(6) The subsidy shall be payable by the municipal council against documentation that the recipient is in receipt of benefits while on child-care leave.

Reimbursement of extra costs

41.–(1) The municipal council shall cover any necessary extra costs of maintenance in the home in respect of a child under 18 with substantial and impaired physical or mental function or serious, chronic or long-term illness. It is a condition that the extra costs are incurred as a result of the impaired function and cannot be covered under other provisions of this Act or other legislation.

(2) The reimbursement shall be calculated on the basis of the probable extra costs for the individual child, for instance extra costs for individual transportation and leisure-time activities.

(3) The amount of reimbursement of the necessary extra costs may be granted if such estimated extra costs amount to no less than DKK 4,596 per year (2015 level). The reimbursement shall be fixed on the basis of estimated extra costs per month and shall be rounded to the nearest full amount divisible by 100.

(4) Reimbursement under subsection (1) hereof shall be subject to the condition that the directions of the municipal council regarding care etc. are followed.

(5) The Minister for Social Affairs and the Interior may by order lay down rules pertaining to the costs in respect of

which reimbursement may be payable and the conditions for such reimbursement.

Loss of earnings

42.–(1) The municipal council shall pay compensation for loss of earnings to persons maintaining a child under 18 in the home whose physical or mental function is substantially and permanently impaired, or who is suffering from serious, chronic or long-term illness. Compensation shall be subject to the condition that the child is cared for at home as a necessary consequence of the impaired function, and that it is most expedient for the mother or father to care for the child.

(2) The requirement in subsection (1) above that the child shall be cared for at home shall not apply to any child mentioned in subsection (1) who has been placed in care under section 52(3)(vii) in connection with the child's hospital visit. It is a condition that the presence of the mother or father at the hospital is a necessary consequence of the child's functional impairment and that such presence is most expedient for the child.

(3) The compensation shall be fixed on the basis of the previous gross income, always provided that the maximum amount of compensation shall be DKK 27,500 a month. The maximum amount shall be reduced at the ratio of hours compensated for loss of earnings to the total number of working hours. A pension scheme contribution amounting to 10 per cent of the gross compensation shall be calculated. However, the contribution shall not exceed an amount equivalent to the contribution previously paid by the employer. Pursuant to the Act on the Labour Market Supplementary Pension Scheme, the municipal council shall pay Labour Market Supplementary Pension ("ATP") contributions in respect of the compensation for loss of earnings. The recipient shall pay one third of the ATP contributions, and the municipal council shall pay two thirds.

(4) The Minister for Social Affairs and the Interior shall lay down rules governing the calculation and adjustment of loss of earnings under subsection (3) hereof, including the calculation and payment of pension contributions and, on the recommendation of the Labour Market Supplementary Pension Fund, rules governing payment of ATP contributions.

43.–(1) In the event of unemployment, the municipal council shall pay a special supplement to persons receiving compensation under section 42 above for up to three (3) months after the end of the month in which the person becomes unemployed. Payment of the special supplement shall be conditional upon the person (i) having taken out unemployment insurance, (ii) not being eligible for unemployment benefit under the Act on Unemployment Insurance etc., (iii) not being subject to self-induced unemployment, (iv) not having a reasonable offer of part-time employment and (v) not receiving other financial support under any other legislation.

(2) The municipal council shall pay the special supplement regardless of the income and property situation of the recipient and his/her spouse.

(3) The amount of the special supplement shall be equivalent to the maximum amount of sickness benefits, cf. section 50(1) of the Act on Sickness Benefits. Notwithstanding the aforesaid, the special supplement shall not exceed an amount corresponding to 90 per cent of the recipient's pay in his/her previous job.

(4) The special supplement shall be reduced by any amount received by the employee from his/her employer or from the Employees' Guarantee Fund in connection with termination of the employment.

(5) Pursuant to the Act on the Labour Market Supplementary Pension Scheme, the municipal council shall pay ATP contributions in respect of the special supplement. The recipient shall pay one third of the ATP contributions, and the municipal council shall pay two thirds. The Minister for Social Affairs and the Interior may lay down rules on payment of contributions on the recommendation of the Labour Market Supplementary Pension Fund.

(6) Pursuant to section 17f(3) of the Act on the Labour Market Supplementary Pension Scheme, the municipal council shall pay contributions to the Special Pension Savings Scheme in respect of the special supplement. The Minister for Social Affairs and the Interior shall by order lay down more specific rules on payment of contributions and reporting, on the recommendation of the Labour Market Supplementary Pension Fund. If the special savings amount is not paid in due time, the provisions of section 17(2)-(4) and (6) of the Act on the Labour Market Supplementary Pension Scheme shall apply correspondingly.

Part 10

Personal assistance and attendance

44.–(1) The provisions of sections 83, 84(1) and 86(2) hereof shall apply correspondingly to children where required.

45.–(1) The municipal council shall provide 15 hours of attendance a month for young persons between the ages of 12 and 18 whose freedom of movement is impeded due to substantial and permanent impairment of physical or mental function. However, this shall not apply to young persons between the ages of 12 and 18 accommodated in residential facilities pursuant to section 52(3)(iv), (v) and (vii).

(2) Any person who is entitled to attendance, cf. subsection (1) hereof, is entitled to designate a person for the purpose. Such designation shall be subject to approval by the municipal council, and the person designated shall be employed by the municipal council.

(3) Persons with very close ties to the person entitled to attendance under subsection (1) hereof will not normally be employed for that purpose.

(4) The recipient may save up hours within a period of six (6) months. The municipal council shall lay down guidelines to that effect.

(5) The recipient's expenses for the attendant's transportation and other activities associated with the attendance scheme may be reimbursed by an amount of up to DKK 663 a year. The amount shall be payable by the municipal council at the request of the recipient.

(6) The Minister for Social Affairs and the Interior may by order lay down rules governing the conditions of the attendance scheme.

Part 11

Special support for children and young persons

Purpose

46.–(1) The purpose of assisting children and young persons with special needs is to provide such children and young persons with the same opportunities for personal development, health and an independent adult life as other children and young persons. The support shall be provided to secure the best interests of the child or young person and shall be designed to (i) ensure continuity in childhood and youth and a safe environment of care offering close and stable relations to adults, for instance by supporting the child's or young person's family relations and other network, (ii) secure the child's or young person's opportunities for personal development and acquisition of skills to

build social relations and networks, (iii) support the child's or young person's schooling and chances of completing an education, (iv) promote the health and welfare of the child or young person and (v) prepare the child or young person for an independent adult life.

(2) The support shall be provided at an early stage and on a continuous basis so that any problems encountered may as far as possible be remedied in the home or the immediate environment. On the basis of a case-by-case assessment, the support must be adapted to the specific situation of the individual child or young person and his/her family.

(3) The support shall be based on the child's or young person's own resources, and the views of the child or young person shall always be taken into account, and proper importance shall be attributed to such views in accordance with the age and maturity of the child or young person in question. Where possible, the difficulties of the child or young person shall be resolved in consultation and cooperation with his/her family. Where this is not possible, the background, purpose and constituent features of the specific measure taken must be explained to the custodial parent as well as to the child or young person.

Involvement of family and network

47.–(1) The municipal council shall consider how to involve the family and network systematically.

48.-(1) Before the municipal council makes a decision under sections 51, 52, 52a, 56, 57a, 57b, 58, 62 and 63, section 65(2) and (3) and sections 68-71 and 75, the child or young person must be consulted on these matters. The consultation may be dispensed with if the child or young person was consulted immediately beforehand in connection with the performance of a child protection examination, cf. section 50 below. The consultation may be conducted without the consent and presence of the custodial parent where this is in the best interests of the child or young person.

(2) The consultation may be dispensed with if factors such as the maturity of the child or the nature of the case strongly suggests that the decision should be made without prior consultation. If the consultation cannot be conducted, steps shall be taken to establish the child's position on the contemplated decision.

Advisor to children and young persons

48 a.-(1) A child or young person whose case is being considered pursuant to this Act shall, at any time during the consideration of the case, be entitled to the assistance of a third party.

(2) Subsection (1) above shall not apply where the authority finds that the interest of the child or young person in being assisted by a third person shall be subordinate to the interests of public authorities or private individuals, or where legislation stipulates otherwise. The authority may also decide to overrule the child's or young person's choice of advisor where certain circumstances give grounds to assume that the advisor may protect other interests than those of the child or young person.

(3) The authority may decide to exclude an advisor in part or in full from attending a meeting where this is deemed to influence whether the child's or young person's willingness to express his/her opinion openly.

(4) The advisor to a child or young person shall be at least 15 years old and shall be subject to the non-disclosure provisions of section 152 of the Criminal Code.

49.-(1) (Repealed)

Exchange of information in early or preventive measures

49 a.-(1) Schools, school-based leisure-time facilities, nurses, health visitors, dentists and dental hygienists working in the municipal health care service, day-care facilities, after-school facilities and authorities solving tasks in the field of socially disadvantaged children and young persons may mutually exchange information on strictly private aspects concerning a child's or young person's personal and family-related circumstances if any such exchange of information must be deemed necessary in the context of any early or preventive cooperation on socially disadvantaged children and young persons.

(2) Any exchange of information under subsection (1) above for the purpose of considering a case, cf. Parts 11 and 12, pertaining to a specific child or young person may be effected once at a meeting. In special circumstances, information may be exchanged at a subsequent meeting among the authorities and institutions set out in subsection (1) hereof.

(3) Self-governing or private institutions, private clinics or private independent schools that solve tasks for the authorities set out in subsection (1) above may, mutually and with the authorities and institutions set out in subsection (1) hereof, exchange information to the same extent as mentioned in subsection (1).

(4) The authorities and institutions entitled to disclose information under subsections (1)-(3) hereof are under no obligation to do so.

49 b. Municipal authorities solving tasks in the field of socially disadvantaged children and young persons as well as the police and the prosecution service may mutually exchange information on strictly private aspects concerning a child's or young person's personal and family-related circumstances if any such exchange of information must be deemed necessary in the context of preventing the abuse of children and young persons.

Child protection examination

50.-(1) Where it must be assumed that a child or a young person is in need of special support, partly due to impaired physical or mental function, the municipal council shall ensure that the conditions of the child or the young person are examined. The examination, known as a child protection examination, shall to the widest possible extent be conducted in cooperation with the custodial parent and the young person aged 15 or over. The examination shall be conducted as gently as possible in the given situation and shall not be any more comprehensive than required by its purpose.

(2) In the course of its examination, cf. subsection (1) hereof, the municipal council shall make an overall evaluation which, unless specific circumstances mean that one or more of the below-mentioned paragraphs are of no relevance to the child or young person concerned, shall relate to the child's or young person's (i) development and behaviour, (ii) family, (iii) school, (iv) health, (v) leisure time activities and friendships and (vi) any other matters of relevance.

(3) The examination shall include a consultation with the child or young person. The consultation may be dispensed with if factors such as the maturity of the child or young person or the nature of the case strongly suggests that the decision should be made without prior consultation. If the consultation cannot be conducted, steps shall be taken to establish the views of the child or young person. The consultation may be conducted without the consent and presence of the custodial parent where this is in the best interests of the child or young person.

(4) In the course of its examination, the municipal council shall seek to uncover resources and problems in the child, the family and the network. For young persons aged 15 or over, the examination shall seek to uncover special factors to be considered in selecting the measures to be taken for the specific age group, cf. sections 52, 76 and 76a below.

(5) In the course of its examination, the municipal council shall involve any professionals who already have some knowledge of the conditions of the child or young person and his/her family. This may be effected by ensuring the involvement of health visitors, child and youth educators, psychologists, teachers or others. If necessary, the municipal council shall have the child or young person examined by a medical doctor or a licensed psychologist.

(6) The examination shall lead to a reasoned decision as to whether there are grounds for implementing measures and, if so, the nature of such measures. Where measures have been launched in parallel with the examination, cf. section 52(2), a decision shall also be made as to whether to maintain such measures. Information shall be available about the position of the custodial parent and of the child or young person on the proposed measures and about any circumstances of the family or its surroundings likely to facilitate a resolution of the difficulties.

(7) The examination must be completed within four (4) months after the municipal council has become aware that a child or young person may be in need of special support. Where, exceptionally, an examination cannot be completed within 4 months, the municipal council shall prepare a provisional assessment and complete the examination as soon as possible thereafter.

(8) In connection with an examination, the municipal council must assess whether to conduct an examination of any other children in the family. An examination may be conducted as one combined examination for two or more children in the family, always provided that the individual circumstances of the children shall be taken into account.

(9) Where it must be assumed that a child may require special support immediately after being born, the municipality shall examine the circumstances of the expectant parents in detail. The examination shall to the widest possible extent be conducted in cooperation with the expectant parents. The decision shall be subject to subsections (4)-(8) hereof.

50 a.-(1)The municipal councils in the region shall establish a children's house in each region to examine a child's or young person's circumstances if the child or young person has been exposed to abuse or in the event of any suspicion of such abuse.

(2) The Minister for Social Affairs and the Interior may lay down rules governing the layout, operation, financing and duties, etc. of the children's houses.

50 b. Where a child or young person has been exposed to abuse, or in the event of any suspicion of such abuse, the municipal council shall, for the purpose of the child protection examination under section 50 above, use the children's house to which the municipality is connected, cf. section 50a.

50 c. During the consideration of a case where a children's house is used, cf. section 50a, the staff of the children's house, the police and the prosecution service as well as health authorities, authorised health care professionals and municipal authorities solving tasks in the field of socially disadvantaged children and young persons may mutually exchange information on strictly private aspects concerning the child's or young person's personal and family-related circumstances if any such exchange of information must be deemed necessary in view of the health and development of the child or young person.

51.–(1) Where it is deemed necessary in order to determine whether there is an apparent risk of serious harm to the health or development of a child or young person, the children and young persons committee may decide, without the consent of the custodial parent and the young person aged 15 or over, to conduct the examination of the child or young person during his/her stay at an institution or in a hospital, including a psychiatric ward. Any such examination shall be completed within two (2) months of the decision by the children and young persons committee.

(2) Where it is deemed necessary to determine whether there is an apparent risk of serious harm to the health or development of a child or young person, the children and young persons committee may decide, without the consent of the custodial parent and the young person aged 15 or over, to conduct the examination of the child or young person by using the children's house to which the municipality is connected, cf. section 50a.

(3) Any decision under subsections (1) and (2) above may be made on a provisional basis subject to the rules set out in section 75, provided the conditions have been met.

Measures

52.–(1) The municipal council shall decide on measures under subsection (3) hereof to be taken where this must be deemed to be of vital importance to a child's or young person's special need for support. The municipal council shall choose the measure or measures which are best suited to resolve the problems and needs uncovered in the course of the child protection examination under section 50 hereof. Any such decision shall be subject to the consent of the custodial parent, but see sections 56, 57a, 57b, 58, 68(2) and (3) and section 68 a below. Any decision under subsection (3)(vii) hereof shall also be subject to the consent of the young person aged 15 or over.

(2) Any support under subsection (3) hereof may be implemented only after the completion of a child protection examination, cf. section 50. If warranted by special circumstances, however, provisional or immediate support under subsection (3) hereof may be implemented in parallel with the examination.

(3) The municipal council may implement supportive measures of the following types: (i) Admission to a day-care facility, after-school facility, youth club, training or education establishment, etc. (ii) Practical, educational or other support in the home. (iii) Family therapy or specific treatment of the child's or young person's problems. Residential accommodation, cf. section 55 below, for both the custodial parent, the child or young person and any other members of the family, with a foster family, at an approved facility or in a residential institution, cf. section 66(1)(i), (ii), (v) and (vi), or in an accommodation facility, cf. section 107. (v) A respite care arrangement, cf. section 55, with a foster family, a municipal foster family or a network foster family or in an accommodation facility or residential institution, cf. section 66(1)(i)-(iii), (v) and (vi). (vi) Appointment of a permanent contact person for the child or young person and for the whole family. (vii) Placement of the child or young person in a facility outside the home, cf. section 66. (viii) Arrangement of in-service training of the young person with a public or private employer, and in that connection payment of compensation to the young person. (ix) Any other support designed to provide counselling, treatment and practical or educational support.

(4) In the case of a pregnancy, the municipal council shall decide on measures pursuant to subsection (3)(ii), (iii), (iv), (vi) or (ix) and section 52a hereof where such measures are deemed to be of vital importance to the child's special need for support after birth. The decision shall be made with the consent of the parents. The decision shall be subject to subsection (2) above.

52 a. The municipal council may decide to provide financial support to the custodial parent where this must be deemed to be of vital importance to a child's or young person's special need for support, but see subsection (2). Financial support may be provided for: (i) Expenses incurred in connection with measures under section 52(3) or where such support replaces an otherwise more

restrictive and comprehensive measure under section 52(3). (ii) Expenses incurred to prevent out-of-home placement or to accelerate the return of a child or young person. (iii) Expenses capable of promoting stable contact between parents and a child during the period of out-of-home placement. (2) Support under subsection (1)(i) shall be provided only where the custodial parent has inadequate funds to meet such expenses.

53. Any consent from the custodial parent and the young person aged 15 or over to a decision under section 52(3)(vii) shall include the purpose of the placement; cf. the first sentence of section 140(3).

54. The municipal council shall offer the custodial parent to appoint a support person in connection with the out-of-home placement of the child or young person, cf. section 52(3)(vii).

(2) During the period of out-of-home placement of the child or young person under section 52(3)(vii) above, the municipal council shall decide on support to parents under subsection (1) hereof, section 52(3) or any other legislation. The support shall to the widest possible extent contribute to resolving the problems that caused the placement with a view to assisting the parents in providing the best care for the child or young person on its return to the home, if applicable, or in their contact with the child during the period of placement. The municipal council shall formulate a separate plan for support to parents.

54 a. The municipal council shall assign a coordinator to young persons who have been sentenced subject to section 74a of the Criminal Code. The coordinator shall be assigned to the young person for the duration of the process and shall be the young person's counsellor, shall ensure coherence between phases and arrange meetings with the young person, his/her parents and other relevant parties in order to maintain the goals laid down in the action plan, cf. section 140 hereof.

55.-(1) While accommodated in a residential facility under section 52(3)(iv), (v) and (vii) and under section 76(3)(i) and (iii) and section 76a(2) hereof, the child or young person or the expectant parents shall receive care, personal support, socio-educational counselling and treatment. In case of special needs, examinations may be conducted and observation and therapy or other treatment may be provided.

(2) A respite care arrangement provided during accommodation in a residential facility will be provided as a service under subsection (1) hereof.

(3) Assistance under subsection (1) hereof may be provided by the facility in which the child, young person or expectant parents are accommodated on a full-time basis or otherwise.

56. Any decision under section 52(3)(i) and (iii) in regard to the treatment of the child's or young person's problems and under section 52(3)(vi), cf. section 52(1), may be made, irrespective of whether the custodial parent does not wish to have the specific measure implemented, where it is deemed to be of vital importance to the child's or young person's special need for support, and where the purpose of the measure is deemed to be feasible despite the lack of consent.

57. Where a child or young person has no custodial parent, the municipal council shall, when and as appropriate, arrange for a suitable person to be appointed for that purpose.

Parenting orders

57 a.-(1)The municipal council shall decide to issue a parenting order against the custodial parent, cf. subsection (3) below, where there is a risk that the development of a child or young person is in danger and this is considered to be due to the failure on the part of the custodial parent to live up to his/her parental responsibilities.

(2) The issue of a parenting order is subject to the availability of information (i) that the child or young person has unauthorised absences from school, or that the compulsory education requirement is not generally met, (ii) that the child or young person has engaged in criminal conduct of a certain scope or gravity, (iii) that the child or young person has serious behavioural or adaptation problems or (iv) that the custodial parent refuses to cooperate with the relevant authorities on resolving the problems of the child or young person.

(3) A parenting order shall specify one or more duties to act for the custodial parent, which shall be conducive to a resolution of the child's or young person's problems, and shall be reasonably proportionate to the purpose. In this connection, it may be stipulated that the custodial parent shall (i) secure the school attendance of the child or young

person by personally accompanying the child or young person to school, (ii) attend parents' meetings and consultations concerning the schooling of the child or young person, (iii) secure the attendance of the child or young person at specific leisure-time activities by accompanying the child or young person

to the relevant place, (iv) ensure that the child or young person is at home at specified times, (v) attend a parenting programme offered by the municipal council or (vi) attend meetings with relevant authorities about finding solutions to the problems of the child or young person.

(4) Where a decision to issue parenting orders pursuant to subsection (1) above has been made, the municipal council may make a decision pursuant to section 52(1) hereof to initiate measures pursuant to section 52(3)(i), (ii), (iii), (vi) and (ix) hereof, irrespective of whether the custodial parent objects to such measures being initiated if it is deemed likely that the purpose of the measure may be achieved regardless of the lack of consent.

(5) Any decision to issue parenting orders shall be subject to a maximum period of 12 months. A parenting order may be extended by periods not exceeding 6 months.

(6) The municipal council shall inform the custodial parent that compliance with the parenting order is a condition for being entitled to the child and youth benefit, cf. the Act on Child and Youth Benefits, and for including the relevant child or young person in the calculation of housing benefits, cf. the Act on Individual Housing Benefits.

(7) If the municipal council finds that a person who is subject to a parenting order under subsection (1) hereof fails to comply with the order, and that such non-compliance is not due to excusable circumstances, the municipal council shall make a decision pertaining to such non-compliance. Any such decision shall apply for three (3) months.

(8) The municipal council shall decide to discontinue the order where it finds (i) that the circumstances giving rise to the order no longer exist or (ii) that the parenting order is no longer suited to resolve the problems of the child or young person.

Juvenile orders

57 b.-(1) The municipal council shall decide to issue a juvenile order against a child or young person between the ages of 12 and 17 where the child or young person displays behavioural problems or negative behaviour placing the development of the child or young person at risk and where the voluntary cooperation of the child or young person and the custodial parent or the person having custody on support pursuant to section 52(3) hereof is not deemed sufficient to alleviate the child's or young person's problems. A decision to issue a juvenile order may be made without the consent of the custodial parent.

(2) The issue of a juvenile order is subject to the availability of information that the child or young person (i) has unauthorised absences from school, or that the compulsory education requirement is not generally met, (ii) has engaged in criminal conduct of a certain scope or gravity, (iii) has serious behavioural or adaptation problems or (iv) refuses to cooperate with the relevant authorities on resolving the problems of the child or young person.

(3) A juvenile order shall specify one or more duties to act for the child or young person which are deemed conducive to resolving the child's or young person's problems and which are reasonably proportionate to the purpose. The order may stipulate that the child or young person shall (i) subject to one or more measures pursuant to section 52(3)(i), (iii), (vi), (viii) or (ix), (ii) be home at a specified time or (iii) contribute to remedying any harm or damage done.

(4) Where a juvenile order has been issued pursuant to subsection (1) above, the municipal council may decide pursuant to section 52(1) to initiate measures under section 52(3)(i), (iii), (vi), (viii) or (ix), irrespective of whether the custodial parent objects to such measure being initiated where it is deemed likely that the purpose of the measure may be achieved regardless of the lack of consent.

(5) Section 57a(5) and (8) shall apply correspondingly to juvenile orders under subsection (1) above.

(6) When issuing a juvenile order pursuant to subsection (1) above, the municipal council shall consider whether also to issue a parenting order pursuant to section 57a.

(7) The police may provide assistance to the municipality in its exercise of powers under section 64(2) where such powers are exercised in connection with a decision on a juvenile order.

(8) Subject to consultation with the Minister for Justice, the Minister for Social Affairs and the Interior may lay down rules on the assistance provided by the police to municipalities in connection with the enforcement of juvenile orders.

Consultation of networks

57 c.-(c) Not later than seven (7) days after having received documentation from the police that a young person under the age of 18 is suspected of having committed a serious crime, the municipal council shall convene the young person, the custodial parent, any relevant persons from the young person's network and professionals for a consultation of networks.

(2) Subject to discussions at the consultation of networks with the young person, the custodial parent, any relevant persons from the young person's network and relevant professionals, the municipal council shall after the consultation prepare an action plan for which initiatives and duties that can prevent further criminal acts.

(3) If, within a year of the consultation of networks, cf. subsection (1) above, the municipal council receives documentation from the police of a suspicion against the young person under the age of 18 of repeated, serious crimes, the municipal council shall without convening a new consultation of networks assess whether the action plan needs to be revised.

Delinquent children and young persons

57 d.-(1) In connection with the release of young persons under the age of 18 who have served a detention sentence, a custodial sentence or a surrogate prison sentence, the municipal council shall give such persons an offer of social reintegration. The offer of social reintegration shall, to the widest possible extent, be established prior to the release and shall be of a duration of not less than six (6) months after the release. The extent of the offer shall, as a minimum, correspond to a contact person appointed under section 52(3)(vi) above.

(2) The municipal council shall ensure that all children and young persons in secure institutions are offered screening with a view to identifying psychiatric problems. Such screening shall be subject to the consent of the custodial parent and young persons aged 15 or over.

(3) The Minister for Social Affairs and the Interior shall lay down rules on the extent of the screening, including rules specifying who shall be allowed to perform the screening and when.

Out-of-home placement without consent

58.-(1) Where there is an obvious risk that the health or development of the child or young person will suffer major harm due to (i) inadequate care for or treatment of the child or young person

(ii) instances of abuse to which the child or young person has been exposed, (iii) substance abuse, criminal conduct or other serious social difficulties on the part of the child or young person or (iv) other behavioural or adaptation problems in the child or young person, the children and young persons committee may decide, without the consent of the custodial parent and the young person over the age of 15, that the child or young person shall be placed in care, cf. section 52(3)(vii) above. A decision under the first sentence hereof shall only be available where there is a reasonable presumption that the problems cannot be resolved during the child's or young person's continued stay in the home.

(2) Where it is in the child's or young person's best interests, the children and young persons committee may decide that the child or young person shall be placed in care in pursuance of subsection (1) hereof, notwithstanding that the custodial parent and the young person consent to a placement under section 52(3)(vii) above.

(3) Where a young person aged 15 or over agrees to be placed in care, the children and young persons committee may decide – notwithstanding the conditions set out in subsection (1) hereof – to place the young person in care, cf. section 52(3)(vii) above, where such placement must be deemed to be of vital importance to the young person's special needs and where the problems cannot be resolved during the young person's continued stay in his/her home.

(4) Any decision under subsections (1)-(3) above may be made on a provisional basis subject to the rules set out in section 75, provided the conditions have been met.

59. Any recommendation to place a child or young person in care under section 58 above shall comprise (i) the child protection examination, cf. section 50 above, including a statement to the effect that the conditions of section 58 are deemed

to have been met and a description of the resources of the child, family and network that can contribute to overcoming the difficulties

during the period of placement, cf. section 50(6), (ii) the action plan for the placement, cf. section 140 below, including the proposed support and initiatives for the benefit of the child or young person and his/her family during and after the period of out-of-home placement and (iii) the attitude of the child or young person to the proposed measure.

60-61. (Repealed)

62.–(1) If the child or young person has been in care within the last year immediately preceding the date of the current placement of the child or young person, the continued application of a measure taken under section 58 above for more than two (1) years from the date of the relevant decision by the children and young persons committee shall be subject to a renewed decision by the committee.

(2) If the child or young person has been in care within the last year immediately preceding the date of the current placement of the child or young person, the continued application of a measure taken under section 58 above for more than two (2) years from the date of the relevant decision by the children and young persons committee shall be subject to a renewed decision by the committee.

(3) Where a case under subsections (1) or (2) hereof is brought before the National Social Appeals Board or the courts of law, the period shall run from the date of the final decision or judgment. Notwithstanding the provisions of subsections (1) and (2) hereof, the children and young persons committee, the National Social Appeals Board or the court may stipulate a shorter period for the renewed consideration by the committee.

(4) In decisions under section 58 above, the children and young persons committee may exceptionally stipulate a longer period than the one set out in subsections (1)-(3) hereof, where the factors on which the decision is based will most likely continue to apply beyond that period. The National Social Appeals Board and the court shall have similar powers.

(5) The children and young persons committee may exceptionally stipulate that placement pursuant to section 58 of a child who has not reached the age of 1 shall apply for three years if it is deemed highly probable that the conditions on which the decision of placement is based will prevail for this period of time. The National Social Appeals Board and the court shall have similar powers.

(6) Subsections (1)-(5) hereof shall apply correspondingly to decisions made by the National Social Appeals Board under section 65(3) below.

3.

Medical examination and treatment without consent

63.–(1) If the custodial parent fails to have a child or young person examined or treated for a life-threatening disease or a disease involving the risk of substantial and permanent impairment of function, the children and young persons committee may decide to undertake such examination or treatment.

(2) Any decision under subsection (1) above may be made on a provisional basis subject to the rules set out in section 75, provided the conditions have been met.

Enforcement of decisions and right of entry and search

64.–(1) The municipal council shall ensure the enforcement of decisions under sections 51, 57b, 58, 63, 68(2) and 68 a above.

(2) Subject to proper identification and without a court order, the municipal council is entitled to enter and search the home and property of a custodial parent of a child or young person, with powers to look for and remove a child or young person for the purpose of enforcing any decision referred to in subsection (1) hereof. The municipality may bring the child or young person to and from the place where the juvenile order is to be satisfied for the purpose of enforcing any decision under section 57b hereof.

(3) The municipal council may decide that the municipal authorities, subject to proper identification and without a court order, is entitled to enter the home and premises of the custodial parent where (i) the right of access to the home is in the context of the child protection examination under section 50 above and must be deemed necessary to determine whether there is an apparent risk that the health or development of the child or young person will suffer serious harm and (ii) the parents have opposed the possibility of assessing the child's or young person's support needs by way of other more lenient measures.

(4) The police shall assist the municipal council in the exercise of its powers under subsections (2) and (3) hereof. By agreement with the Minister for Justice, the Minister for Social Affairs and the Interior shall by order lay down rules on police assistance to the municipality.

(5) Every year, the Minister for Social Affairs and the Interior shall prepare a report on the application by municipalities of the provision of subsection (3) hereof.

Powers of the National Social Appeals Board without a complaint

65.–(1) The National Social Appeals Board may of its own initiative review cases involving support for children and young persons where it must be presumed that a municipal council, in a specific case, has failed to take the necessary case planning steps in a specific case or has failed to make the necessary decisions in compliance with the best interests of the child or young person. The Social Appeals Board may in such case order the municipal council to take the necessary case planning steps or to make the necessary decisions.

(2) Where there is a need for measures under section 52 or 52a above and the municipal council fails to implement such measures as appropriate, the Social Appeals Board may on its own make a provisional decision to implement such measures.

(3) Moreover, the Social Appeals Board may on its own make a decision under sections 51, 58, 63 and 68a.

(4) The Social Appeals Board may order the municipal council to enforce decisions under subsections (1)-(3) and may also order the decisions to be enforced within a specified time limit where this must be deemed necessary to protect the best interests of the child or young person.

(5) Where citizens, professionals or any other persons have grounds to assume that the municipal council has failed to take or make such case planning steps or decisions as are prescribed in the Act in compliance with the best interests of the child or young person, these persons may notify the National Social Appeals Board thereof. The National Social Appeals Board shall subsequently assess whether a basis exists for reviewing the case pursuant to subsection (1) above.

65 a. Up to and including 30 June 2016, the National Social Appeals Board shall in the course of its activities follow, for instance by reviewing a number of specific cases, the municipal initiatives targeted at children or young persons who are suspected of or who have committed violent crime, other serious crime or repeated crime. At the request of the Social Appeals Board, the police shall provide information about specific notifications to municipalities concerning children and young persons who are suspected of having committed violent crime, other serious crime or repeated crime

Facilities for children and young persons

66.–(1) Facilities for children and young persons may be (i) foster families, (ii) municipal foster families, (iii) network foster families, (iv) own rooms, student hostels or similar facilities, (v) accommodation facilities for children and young persons or (vi) residential institutions, including partly locked residential institutions and partly locked wards in residential institutions, cf. section 67 below.

(2) It is a condition for being able to make a decision on placement of children and young persons subject to section 54(3)(iv), (v) or (vii) above in a facility, that such facility is approved subject to section 66 a(1)(ii), (2) or (6) below or subject to section 5 of the Act on Social Supervision.

66 a.–(1) Foster families and municipal foster families for children and young persons, cf. section 66(1)(i) and (ii) shall be approved (i) as being generally suitable by the municipal council responsible for carrying out social supervision for the geographical area to which the foster family belongs, cf. sections 2 and 5 of the Act on Social Supervision or (ii) as being specifically suitable in respect of one or more specifically designated children or young persons by the placing municipality.

(2) Network foster families shall be subject to approval by the municipal council in the placing municipality as being specifically suitable in relation to a particular child or young person. Network foster families shall be reimbursed for any expenses incurred in connection with the child's or young person's accommodation and may, subject to a specific assessment, recover any loss of earnings in full or in part.

(3) The municipal council approving the foster family as specifically suitable, cf. subsections (1)(ii) and (2) hereof, shall in connection with such approval offer the foster family a foster-parenting course.

(4) Once a decision has been made to place a child or young person in a foster family, a municipal foster family or a network foster family, cf. section 66(1)(i)-(iii), the municipal council which has a duty to offer help to the child or young person shall ensure that the nursing family, subject to the provisions of Parts 11 and 12 hereof, regularly completes any required supplementary training. Moreover, the municipal council shall ensure any necessary supervision in conformity with the amount of care to be provided.

(5) The municipal council shall offer the required professional support to (i) network foster families in conformity with the amount of care to be provided and (ii) families who have adopted a child or young person, who has previously been placed in foster care with the family.

(6) Own rooms, student hostels or similar accommodation types where the young person is in control over his/her own housing unit, cf. section 66(1)(iv), shall be subject to approval by the municipal council in the placing municipality as being specifically suitable in relation to the relevant young person.

(7) An appeal against the municipal council's decision under subsections (1)(ii) and (2) second sentence hereof shall be made pursuant to the provisions of Part 10 of the Act on Legal Protection and Administration in Social Matters. Decisions under subsection (2) first sentence and subsection (6) hereof may not be brought before any other administrative authority.

(8) The Minister for Social Affairs and the Interior may lay down specific rules on approval and supervision of foster families, municipal foster families, network foster families and own rooms, etc., cf. subsections (1), (2) and (6) above, on basic training and supervision for and supplementary training of foster families, municipal foster families and network foster families, on professional support to network foster families and families who have adopted a child or young person, who has previously been placed in foster case with the family, cf. subsections (3)-(5) above, and on compensation for network foster families.

67.–(1) The municipal council shall ensure that the necessary number of places are available in residential institutions, including without limitation partly locked residential institutions and partly locked wards in residential institutions, for children and young persons needing to be placed in out-of-home care due to social or behavioural problems. In this connection, the municipal council shall provide for the possibility of out-patient treatment.

(2) The municipal council shall ensure that the necessary number of places are available in residential institutions for children and young persons needing to be placed in care due to impairment of physical or mental function.

(3) The municipal council shall ensure that the necessary number of places are available in secure residential institutions.

(4) Residential institutions may be established and operated by a municipality, cf. section 4 above, or by a region, cf. section 5 above, or as independent institutions entering into agreements with the relevant municipal or regional council.

Discontinuation of measures and extension of placement

68.–(1) Measures under section 52(3) shall be discontinued when the purpose of such measures has been achieved, when they no longer serve their purpose or when the young person attains the age of 18, but see section 76 and 76a below.

(2) The return of a child or young person in care to his/her home is conditional on a decision by the municipal council with respect to the return and length of the transitional period, cf. subsection (4). Under special circumstances, the municipal council may decide not to apply a transitional period.

(3) Where the custodial parent applies for the return of the child or young person who has been placed in care subject to consent under section 52(1), the municipal council shall decide the question of return within seven (7) days from the date on which the application is filed. The same shall apply where a young person over the age of 15, who has been placed in care subject to consent under section 52(1), requests to be returned to his/her home.

(4) The municipal council shall decide the length of the transitional period. The transitional period may be up to six (6) months and shall be subject to (i) the possibility of ensuring the gentle and planned return of the child or young person, (ii) planning of possible support for the child or young person or parents after the return pursuant to section 52(3)(i),

(iii),(v) or (vi) and (iii) the opportunity for the municipal council to assess whether a basis exists for reaching a decision under

section 58 or 68a in situations where the parents have withdrawn their consent to voluntary placement under section 52(3)(vii).

(5) The transitional period shall be considered an extension of the existing placement pursuant to section 52(3)(vii).

(6) Where the municipal council decides to return a child or young person placed in care pursuant to section 58 or 68a to his/her home, the municipal council shall inform the children and young persons committee without delay. If the municipal council is not able to allow an application for the return of a child or young person, the matter shall be submitted to the children and young persons committee, cf. section 58 or 68a.

(7) The municipal council may refuse to consider an application from parents for the return of a child or young person placed in care pursuant to (i) section 58 subject to a pro-longed re-examination deadline pursuant to section 62(5) if the conditions of the parents, placement facility, the child or young person have not changed materially or (ii) section 68a if the conditions of the placement facility, the child or young person have not changed materially. (8) Where the application for the return of a child or young person is not denied, the municipal council shall decide to return the child or young person. (9) Where the municipal council cannot approve the application for the return of a child or young person, the matter shall be submitted for decision by the child and young persons committee. (10) The municipal council is under no obligation to consider an application for the return of a child or young person during the period when a matter is being considered by the Social Appeals Board or the court.

(11) Prior to the return of a child or young person, the municipal council shall revise the action plan, cf. section 140 below, specifying the proposed further measures in connection with the return. Where a sanction pursuant to section 74a of the Criminal Code has been imposed, the revision shall focus specifically on how to meet any goals with respect to training, education and employment.

(12) No later than six (6) months before the end of a young person's period in care when he/she attains the age of 18, the municipal council of the young person's residential municipality shall decide whether the young person is in need of any aftercare measures prolonged placement, cf. section 76a, and, where this is considered to be the case, decide on the implementation of such measures pursuant to section 76 of 76a below. Prior to this, the municipal council shall, in consultation with the young person, revise the action plan and in that connection decide on the type of guidance and support to be provided to the young person in terms of training and education, employment and other relevant matters.

(13) Where a young person between the ages of 18 and 22 who was in care until he/she attained 18 years or who had a permanent contact person until he/she attained 18 years, changes residential municipalities, the residential municipality out of which the young person is moving shall, prior to the move, submit the young person's revised action plan, cf. subsection (12) above, to the new residential municipality, unless a decision has been made on measures pursuant to section 76a below. The submission of the action plan shall be subject to the consent of the young person and the custodial parent.

(14) The new residential municipality shall decide within 30 days of receipt whether the young person needs support under section 76 below and, in such case, shall decide on the measures to be implemented. Where support measures under section 76 are implemented, a new action plan shall be prepared, cf. section 140 below.

68 a.-(1)The children and young persons committee may decide that a child or young person who has been placed in care pursuant to section 52(3)(vii) for a period of no less than three (3) years, shall remain in care for an extended period of time if the child or young person has developed such a strong attachment to the placement facility that it must be deemed in the best interests of the child or young person to remain in the placement facility. Decisions with respect to extended care pursuant to subsection (1) shall not be submitted to the children and young persons committee for renewed decision pursuant to section 62.

(2) With respect to a child or young person aged 15 or over, a decision on extended care pursuant to subsection (1) above shall be conditional on the consent of the child or young person.

(3) The children and young persons committee may decide to extend care pursuant to subsection (1) irrespective of whether the provisions of section 52(1) or section 58(1) are no longer fulfilled.

(4) A decision by the children and young persons committee on extended care, cf. subsection (1) above, shall be based on a recommendation prepared by the municipal council which shall include (i) a revised examination of the child's circumstances, cf. section 50, (ii) a revised action plan, cf. section 140, (iii) a psychological, medical or other expert assessment of the child's or young person's attachment to the placement facility and (iv) the child's or young person's opinion on extended care.

Municipal duties in connection with placement in care

68 b.-(1)The municipal council shall decide on the choice of the specific placement facility in accordance with the action plan, cf. section 140 below. At the time of choosing the facility, the municipal council shall decide on the schooling of the child or young person. If the facility is located in a municipality other than the residential municipality of the child or young person, the residential municipality shall notify the municipality of location before placing the child or young person in care.

(2) In choosing the placement facility, the municipality shall choose the facility that is best suited to meet the needs of the child or young person. The municipality shall give priority to the possibility for the facility to offer close and stable adult relations, which shall include assessing whether placement with a foster family, cf. section 66(1)(i)-(iii) above, is the most appropriate solution.

(3) If the child or young person has siblings who are placed in out-of-home care, the municipal council shall choose the same facility unless otherwise warranted by the needs of the other siblings or the child or young person or by any other essential circumstances.

(4) Prior to placement, the municipal council shall help the child or young person find a person in the child's or young person's family or network who can be appointed as his/her support person during placement. The municipality may reimburse the support person's expenses for telephone, transportation, etc. as and when needed.

68 c.-(1)Where placement is made with a view for adoption, the municipal council shall to the widest possible extent place the child or young person with a foster family prepared to adopt the child or young person.

(2) The municipal council shall offer professional support to foster families who have a child or young person in care with a view to adopting the child or young person. Such professional support shall be targeted at the pre-adoption situation.

Municipal duties in connection with adoption

68 d. In connection with a decision to place a child or young person in out-of-home case pursuant to section 52(3)(vii), cf. section 52(1), or section 58, where it is to be assumed that the child or young person will be placed for an extended number of years, the municipal council shall consider whether, in the interest of continuity and stability during the child's or young person's upbringing, the child or young person should instead be adopted.

68 e.-(1) If the municipal council finds that adoption of a child or young person cannot be effected with the consent of the child's or young person's parents, cf. section 7 of the Adoption Act, and the municipal council finds that adoption can be effected without the parents' consent pursuant to section 9(2)-(4) of the Adoption Act, the municipal council shall submit the case before the children and young persons committee.

(2) Any submission before the children and young persons committee under subsection (1) above, shall include a recommendation on the child or young person being adopted pursuant to section 9(2)-(4) of the Adoption Act. Such recommendation shall include the following: (i) The child protection examination, cf. section 50 above. (ii) The action plan, cf. section 140 below. (iii) A statement that the conditions for adoption without consent pursuant to section 9(2)-(4) of the Adoption Act are

met. (iv) Information about the child's or young person's position on the contemplated adoption, cf. section 6(1) and (3) of the Adoption Act.

(3) An adoption recommendation pursuant to section 9(3) or (4) of the Adoption Act shall also include a statement that the conditions for placing the child or young person in out-of-home case of section 58(1) above are met.

68 f.-(1)Subject to a recommendation from the municipal council, cf. section 68 e(2) above, the children and young persons committee may at a meeting recommend the National Social Appeals Board to grant its consent to allow the child or young person to be adopted pursuant to section 9(2)-(4) of the Adoption Act.

(2) Before any such recommendation under subsection (1) above is given, the children and young persons committee shall give the child or the young person, the child's or the young person's parents, custodial parents of the child or young person and any foster parents of the child or young person and any attorneys and their advisers an opportunity to be heard. Subject to the first sentence, foster parents may make a statement at the meeting of the children and young persons committee, but are only considered as a party to the case if they apply for adoption of the child.

(3) A recommendation under subsection (1) above, can only be adopted if at least four (4) of the committee's five (5) members vote in favour of the recommendation. Such recommendation shall be made in writing and provide grounds, and it shall be forwarded to the parties to the case, cf. subsection (2) above, the municipal council and the National Social Appeals Board. If the judge does not agree with the recommendation, a statement shall be entered in the committee's records, and the notice of the recommendation shall refer to the opinion of the judge. If the recommendation is not adopted, the parties to the case, cf. subsection (2) above, and the municipal council shall be notified in writing. Such notice shall provide grounds for the decision and include information about the opinion of the judge.

68 g. If the National Social Appeals Board concurs with the recommendation of the children and young persons committee under section 68 f(1) above, the Board will grant its consent to allow the child to be adopted without the consent of the parents. Such notice shall be made in writing and provide grounds for the decision and be forwarded to the parties to the case, cf. section 68 f(2), and the municipal council. If the National Social Appeals Board does not concur with the recommendation, the Board will notify the parties to the case and the municipal council of this. Such notice shall be made in writing and provide the grounds for the decision.

68 h. The Minister for Social Affairs and the Interior may lay down specific rules on the handling of cases under sections 68e-68g.

Municipal duties during placement in care

69.–(1) To the extent that it must be deemed necessary in view of the purpose of placing a child or young person in care, the municipal council shall, based on continuous supervision of the child or young person in the placement facility, cf. sections 70(2) and 148 below, decide on any change of facility, treatment, training and education, etc. during placement.

(2) The decision by the municipal council to change the placement facility shall be subject to consent from the custodial parent and the young person aged 12 or over, but see subsections (3) hereof.

(3) Where no consent for a change of placement facility can be obtained, cf. subsection (2) above, the children and young persons committee shall make a decision to change the placement facility. In connection with this decision, the children and young persons committee shall in view of the purpose of the placement and the child's or young person's need for continuity in his/her upbringing consider whether the child's or young person's need of support is best accommodated by changing the placement facility. The decision on choice of a specific placement facility shall subsequently be made by the municipal council, cf. 68 b(1) above.

(4) For the children and young persons committee's decision to change the placement facility, cf. subsection (3) above, the municipal council shall prepare a recommendation that includes (i) the most recent action plan, cf. section 140, (ii) the child's or young persons position on the change of placement facility, cf. section 48, (iii) a description of whether additional support for the child or young person, cf. section 53(3)(ix) during continued stay at the current placement facility is able to accommodate the child's or young person's need of support, (iv) a description of the expected suitability of any new placement facility to accommodate the child's or young person's need of support and close and stable adult relations, (v) a statement from the current placement facility, cf. subsection (5) below, and (6) other necessary information.

(5) Before making a decision on changed access and a decision on return or changed placement facility, the municipal council shall consult the relevant placement facility for a statement to shed light on the matter.

70.–(1) Within three (3) months of the date on which a measure has been implemented in respect of the child or young person or the expectant parents, the municipal council shall assess whether the measure should be amended and whether the action plan, cf. section 140 below, should be revised. Thereafter, the municipal council shall make such assessments at intervals not exceeding 6 months. Any decision to revise the action plan shall, if possible, be made with the consent of the custodial parent and the young person aged 15 or over.

(2) Where a child or young person is placed in out-of-home care, the assessment of the measure pursuant to subsection (1) above and of the need to revise the action plan shall be based on the supervision from time to time of the child or young person, cf. section 148(1) below, and after contact with the custodial parent. Supervision under section 148(1) below shall comprise at least two annual visits to the placement facility where the municipality shall consult the child or young person. The consultation shall to the widest possible extent be conducted without the presence of facility staff. The assessment shall include a decision as to whether circumstances other than those described so far, cf. section 140 below, are of relevance and, if this is the case, such circumstances should be incorporated into a revised action plan.

(3) Where a young person has been sentenced pursuant to section 74a of the Criminal Code, the assessment and revision of the action plan and measures shall focus specifically on ensuring the young person's education or employment. No later than in connection with the first assessment, it must be established how the overall goals of education and employment are to be reached in the course of the sanction.

(4) Where a special plan has been prepared for the support for parents under section 54(2) below, the municipal council shall offer to revise that plan as and when needed. The municipal council shall offer to revise the plan no later than three (3) months after the child or young person has been placed in care. Thereafter, the municipal council shall make an assessment at intervals of no more than twelve (12) months to determine whether it is necessary to offer to revise plan.

Access and contact

71.–(1) The child or young person shall have a right of access to and contact with his/her parents and network, including without limitation siblings, grandparents, other family members, friends, etc. while the child or young person is in out-of-home placement. With due consideration being given to the best interests of the child or young person, to the protection of the health and development of the child or young person and to the protection of the child or young person against abuse, the municipal council shall ensure that the connection between the child or young person and the parents and network is maintained. Access visits shall be planned so as to ensure that it is possible for the child or young person, also in the longer term, to create and maintain close relations to the parents and network. For that purpose, the municipal council has a duty to ensure that parents receive information about the everyday life of their child and to promote cooperation between the parents and the placement facility. Any right of access and contact, whether agreed between the parents or stipulated under the provisions of the Parental Responsibility Act, shall continue to apply while the child or young person is in out-of-home placement, but may be subject to adjustment or suspension under the provisions of subsections (2)-(5) hereof.

(2) Where necessary, the municipal council shall determine the scope and exercise of access and contact and may specify particular conditions. In making this decision, the municipal council will have special regard to the best interests of the child or young person and to the purpose of the placement. The first sentence hereof shall not authorise the municipal council to make decisions according to which access and contact will only be available less than once a month. Any such decision would be tantamount to interrupting the connection and shall be made by the children and young persons committee under subsections (3) and (4) hereof. The municipal council may decide, subject to the consent of the custodial parent and the young person aged 15 or over, that the contact between the parents and the child or young person shall be supported through the presence of a third party.

(3) Where this is necessary in view of the health or development of the child or young person, the children and young persons committee may decide that for a specified period the right of access may only be exercised under the supervision of a municipal representative. Subject to the same conditions and likewise for a specified period, it may be decided to interrupt the connection between the parents and the child or young person by way of access or contact by letter, email or telephone, or it may be decided that the address of the facility in which the child or young person is accommodated shall not be disclosed to the parents or network.

(4) Where it is known or assumed that the person to whom the child or young person will gain access has committed abuse against a child or young person, the children and young persons committee shall, unless otherwise warranted by special circumstances, decide for a specified period to sever that person's connection with the child or young person by way of access or contact by letter, email or telephone or decide that the right of access may only be exercised under the supervision of a municipal representative.

(5) Subsections (2)-(4) hereof shall apply correspondingly during the performance of a child protection examination pursuant to section 50 above during a child or young person's stay at an institution or in a hospital or in connection with the use of the children's house to which the municipality is connected, cf. section 50a, cf. section 51(1) and (2).

(6) Any decision under subsections (3) and (4) above may be made on a provisional basis subject to the rules set out in section 75, provided the conditions have been met.

(7) Any decision to monitor the correspondence, telephone conversations or other communications of the child or young person with the parents shall be subject to the provisions of section 123(2) below.

(8) The municipal council of the child's residential municipality may subsidise the parents' transport costs in connection with meetings in the child's residential municipality.

Legal assistance, access to records, etc.

72.–(1) The municipal council shall offer the custodial parent and the young person aged 12 or over free legal assistance in connection with a case involving (i) an examination under section 51 above, (ii) placing a child or young person in care under section 58 above, (iii) upholding placement under section 62 above, (iv) medical examination or treatment under section 63 above, (v) extending placement under section 68a above, (vi) approval of a provisional decision under section 75(3) below, (vii) change of placement facility under section 69(3) above, (viii) interruption of connection etc. under section 71(3)-(5) above, (ix) monitoring of letters and telephone conversations, cf. section 123(2) below, (x) placement in partly locked residential institutions and in partly locked wards in residential institutions under section 123b(1) below and (xi) detention under section 123c below.

(2) The custodial parent and the young person aged 12 or over and the foster parents shall be offered free legal assistance in cases involving the moving or returning of a child or young person from the care of a private foster family under section 78(4) below.

(3) The non-custodial parent shall be offered free legal assistance in cases concerning the interruption of the connection etc. under section 71(3)-(5) above or monitoring of correspondence and telephone conversations under section 123(2) below.

(4) The rules applying to cases in which free legal aid is granted, cf. Part 31 of the Administration of Justice Act, shall likewise apply to legal fees and reimbursement of attorneys' expenses.

73.–(1) Prior to making a decision in a case as mentioned in section 72 above, the municipal council shall notify the custodial parent and the young person aged 12 or over of the right of access to records provided for under the Public Administration Act and the right to be heard before the decision is made.

(2) The municipal council shall likewise notify the persons listed in section 72(2) and (3) above of the decisions referred to in the said provisions.

74.–(1) The children and young persons committee shall in a meeting decide on the following (i) an examination under section 51 above, (ii) placing a child or young person in care under section 58 above, (iii) upholding placement under section 62 above, (iv) medical examination or treatment under section 63 above, (v) extending placement under section 68a above, (vi) approval of a provisional decision under section 75(3) below, (vii) change of placement facility under section 69(3) above, (viii) interruption of connection etc. under section 71(3)-(5) above, (ix) moving or returning under section 78(4) below, (x) monitoring of letters and telephone conversations, cf. section 123(2) below, (ix) placement in partly locked residential institutions and in partly locked wards in residential institutions under section 123b(1) below and (xi) detention under section 123c below.

(2) Before a decision is made, the custodial parent, the child or young person, the lawyer and any other legal advisor to the custodial parent or the child or young person shall be given the opportunity to be heard by the children and young persons committee. The opportunity for the child or young person under the first sentence hereof may be dispensed with if the child has not attained the age of 12, or where it is deemed to be harmful to the child or young person.

(3) Before a decision under section 71(3)-(5) or section 123(2) is made, subsection (2) hereof shall apply correspondingly for the non-custodial parent. Before a decision under section 78(4) below is made, subsection (2) hereof shall apply correspondingly to foster parents.

(4) Any decision under sections 51, 58, 62, 63, 68a, section 69(3), section 71(3)-(5), section 75(3), section 123(2) and sections 123b and 123c shall be subject to votes in favour of such decision from at least four (4) out of the five (5) members of the children and young persons committee. Decisions under section 78(4) below shall be by a simple majority of votes.

(5) If the judge does not agree with the decision, a statement shall be entered in the committee's records, and the notice of the committee's decision shall refer to the dissenting opinion of the judge.

(6) Notice of decisions by the children and young persons committee shall be given in writing. The decisions shall be reasoned and shall include a reference to the right of appeal.

Provisional decisions

75.-(1) Decisions under sections 51, 58, 63, 68a, section 69(3), section 71(3)-(5), section 78(4), section 123(2), section 123b(1) and section 123c(1) which, because of the immediate needs of the child or young person, cannot be deferred pending consideration by the children and young persons committee, may be made on a provisional basis by the chairman of the committee or, in his/her absence, by the deputy chairman.

(2) The custodial parent and any other parties, cf. section 72 above, shall within 24 hours of the implementation of a provisional decision be given written notice of the decision and the reasons for the decision. Such notice shall also give particulars of the right of access to case records provided for by the Public Administration Act, the right to be heard and to receive free legal assistance.

(3) A provisional decision under subsection (1) hereof shall be submitted to the children and young persons committee for their approval as soon as possible and no later than seven (7) days from the implementation of the decision, whether or not the measure has been discontinued.

(4) A decision approved under subsection (3) hereof shall be effective for one (1) month. A decision concerning section 51 above shall remain effective until the conclusion of the examination, subject to a maximum period of two (2) months from the date of the provisional decision under subsection (1) hereof. A decision concerning section 78(4) below shall remain effective pending a new decision on removal or return.

(5) The director of the National Social Appeals Board shall have the same powers as the chairman of the children and young persons committee, cf. subsections (1) and (2), and may order the municipal council to implement the decision. The provisional decision shall remain effective for one month, subject to the time limits provided for in the second and third sentences of subsection (4) hereof. The director may exceptionally direct that the provisional decision shall be approved by the Social Appeals Board within the time limit specified in subsection (3) hereof.

(6) Where the children and young persons committee fails to make a decision within one month in accordance with the director's provisional decision, cf. subsection (5) hereof, the children and young persons committee shall inform the Social Appeals Board without delay. The decision by the children and young persons committee shall not be effective until the director has decided, as soon as possible and within a maximum period of ten (10) days, whether the decision shall be effective. If the director decides that the decision by the children and young persons committee shall not be effective, the Social Appeals Board shall make a decision subject to the provision of section 65(3) within eight (8) weeks from the date of the decision by the children and young persons committee.

Part 12

Measures for young persons aged between 18 and 22

76.-(1) The municipal council shall offer assistance under subsections (2)-(5) for young persons aged between 18 and 22 where it is deemed to be of vital importance, having regard to the young person's need for support, and where the young person consents thereto. The assistance shall contribute to ensuring a smooth transition to an independent life and shall, for that purpose, focus on supporting the young person's education and employment and any other relevant conditions, including steps to obtain independent housing.

(2) The municipal council may decide that the appointment of a permanent contact person, cf. section 52(3)(vi), may be continued after the young person attains the age of 18.

(3) In respect of a young person who is or was placed in care in a facility under the provisions of Part 11 immediately prior to attaining the age of 18, the municipal council may decide (i) that full-time accommodation, cf. section 55 above, in a placement facility, cf. section 66 above, may be continued, (ii) to appoint a permanent contact person for the young person, cf. section 52(3)(vi) above, (iii) to establish a phasing-out plan, cf. section 55 above, in the placement facility where the young person is currently accommodated and (iv) to grant other forms of support designed to contribute to a smooth transition to an independent life for the young person.

(4) The municipal council may decide that any support under subsection (2) or (3) above may be granted or re-established until the young person attains the age of 23 provided that (i) the young person has previously turned down support and the need is still present, (ii) the young person's situation changes with the effect that a need for support arises at a later time or (iii) support has ceased, cf. subsection (7) below, and the need for support arises anew.

(5) The municipal council shall offer support to any young person who, immediately prior to attaining the age of 18, is or was placed in care without the consent of the custodial parent, and to any young person who has attained the age of 15, cf. section 58 above, in the form of a contact person until the young person attains the age of 23. Such support shall be offered to young persons who are not offered support in the form of continuation of full-time residential accommodation under subsection (3)(i) above.

(6) The municipal council shall offer support to any young person who, immediately prior to attaining the age of 18, is or was placed in an out-of-home facility, cf. section 52(3)(vii) above, in own rooms, student hostels or similar facilities, cf. section 66(1)(iv) above, in the form of a contact person until the young person attains the age of 19. Such support shall be offered to young persons who are not offered support in the form of continuation of full-time residential accommodation under subsection (3)(i) above.

(7) Measures under subsections (2)-(6) shall cease when they no longer serve their purpose, having regard to the young person's need for support, or when the young person attains the age of 23.

(8) If possible, the municipal council shall ensure that young persons who have been in out-of-home care under the provisions of Part 11 are given the opportunity immediately before attaining the age of 18 to return to the previous care facility for a brief period, regardless of whether measures under subsection (3) hereof or section 76a(2) below are implemented.

76 a.-(1) The municipal council shall offer assistance under subsections (2) and (3) for young persons aged between 18 and 22 whose physical or mental function is substantially and permanently impaired where it is deemed to be of vital importance, having regard to the young person's need for support, and where the young person or his/her legal guardian consents thereto. Such assistance shall contribute to a good transition to adult life and focus on care and preparing the young person's next accommodation facility.

(2) In respect of young persons whose physical or mental function is substantially and permanently impaired and who immediately prior to attaining the age of 18 have been placed in out-of-home care pursuant to the provisions of Part 11 above with a foster family under section 66(1)(i)-(iii) above, the municipal council may decide that full-time residential accommodation, cf. section 52 above, shall be continued. Where the young person's foster family is no longer deemed suitable as a foster family for the young person in question, the municipal council may offer the young person to be placed with another foster family to which the young person has close relations and feels safe to stay with. Any measure to place the young person with another foster family is subject to the conditions of subsection (1) hereof being met.

(3) Continuing of full-time residential accommodation under subsection (2) hereof shall cease when it no longer serves its purpose, having regard to the young person's need for support, but not later than when the young person attains the age of 23.

Part 13

Private child-care facilities without public subsidies

Private day care

77. (Repealed)

Private residential foster care

78.–(1) No person may take a child under 14 into private residential foster care for a continuous period exceeding three (3) months without a licence from the municipal council of the municipality of location.

(2) A foster care licence may be issued only where it is deemed to be of benefit to the child, following an investigation of the foster care facility. When issuing such a licence, the municipal authorities shall refer the custodial parent to the provisions of subsection (4) hereof.

(3) The custodial parent shall ensure that the care facility has obtained the requisite licence.

(4) The children and young persons committee in the residential municipality of the custodial parent may, on application by the foster parents or the child or young person, decide that a child or young person shall not be moved or returned from the care of a private foster family if it must be assumed to harm the child or young person. Prior to any such decision, the views of the authorities in the municipality of location shall be obtained.

(5) Any decision under subsection (4) above may be made on a provisional basis subject to the rules set out in section 75, provided the conditions have been met.

(6) The rules of subsections (1)-(5) hereof shall not apply where one of the parents has sole custody, but the child or young person is placed in the home of the other parent on a full-time basis.

(7) Residential foster care homes receiving children and young persons under the age of 18 which are operated on a private basis without public subsidies may only be established and operated subject to a licence from the municipal council of the municipality of location. The municipal council of the municipality of location shall supervise conditions in the care home.

Title V

Adults

Part 14

General measures

79.–(1) The municipal council may implement or subsidise general measures aimed at activation and prevention. The municipal council shall lay down guidelines for the groups entitled to the benefit of such measures.

(2) Decisions under subsection (1) hereof may not be brought before any other administrative authority.

(3) The Minister for Social Affairs and the Interior shall by order lay down rules governing payment for measures provided under subsection (1) hereof, including the calculation of the income basis for such payment (means-testing).

79 a.–(1) The municipal council shall offer preventive home visits to all citizens who have attained the age of 75 and are residents of the municipality.

(2) The municipal council shall plan such visits as and when needed. The municipal council shall offer at least one annual preventive home visit.

(3) The municipal council may choose to exclude citizens receiving both personal care and practical help under section 83 below from the preventive home visiting scheme.

(4) Subject to consultation with the Minister for Health, the Minister for Social Affairs and the Interior may lay down rules governing the municipal obligations and duties pursuant to subsections (1)-(3) hereof, including rules on coordination with other general, municipal, preventive and activating measures.

Homelessness

80.–(1) The municipal council shall allocate temporary housing against payment if a single person or a family is homeless. Such payment shall not exceed the rental value of the accommodation allocated or the usual rent payable in the local area by a single person or a family of the size in question.

Part 15

Purposes

81.–(1) The municipal council shall offer special initiatives for adults with impaired physical or mental function or with special social problems. The purposes of such initiatives are (i) to prevent a deterioration of the problems facing the individual, (ii) to improve the individual's social and personal functions and development potential, (iii) to improve the individual's potential for self-expression through contact, social and other activities, treatment, care and attendance and (iv) to provide all-round services addressing the particular needs of the individual in his/her own home, including accommodation facilities under the Act on Social Housing etc. or in accommodation facilities under this Act.

82.–(1) The municipal council shall grant assistance under this Act, having regard to the purposes, cf. section 81 above, to persons with substantial impairment of mental function who are unable to attend to their own interests, whether or not the individual has consented. However, assistance may not be given under use of coercion.

(2) The municipal council shall be responsible for establishing whether any relative or other person can be involved in the safeguarding of the interests of a person with substantial impairment of mental function. The municipal council shall consider whether the state administration should be requested to appoint a legal guardian under the Legal Guardianship Act.

Part 16

Personal assistance, care and attendance and "care testaments"

83.–(1) The municipal council shall offer (i) personal care and assistance, (ii) assistance or support for necessary practical activities in the home and (iii) meals services.

(2) The assistance under subsection (1) hereof shall be offered to persons who are unable to carry out the said activities due to temporary or permanent impairment of physical or mental function or special social problems.

(3) Prior to assessing the need for assistance under subsection (1) hereof, the municipal council shall assess whether a measure under section 83 a will be able to improve such person's functional capacity and thus reduce the need for assistance under subsection (1) hereof.

(4) The assistance specified under subsection (1) hereof shall contribute partly to maintain physical or mental skills, partly to remedy the most serious consequences of impaired physical or mental function or special social problems.

(5) The municipal council shall define individual objectives for assistance under subsection (1) hereof to the individual receiving such assistance. The assistance shall be adapted to the recipient's needs on an ongoing basis.

(6) In connection with the completion of a rehabilitation programme under section 83 a below, the municipal council shall assess the recipient's need for assistance pursuant to section 83.

(7) The assistance offered under subsection (1) hereof shall not be available as general measures offered under section 79 above.

(8) In arranging for the care and attendance etc. for a person with a diagnosis of dementia, the municipal council shall as far as possible respect his/her guiding directions as to the future with respect to housing, care and attendance ("care testament").

83 a.–(1) The municipal council shall offer a brief and time-limited rehabilitation programme to persons with functional impairment, if the rehabilitation programme is assessed to be able to improve the person's functional impairment and thus reduce the need for assistance under section 83(1). Such assessment shall be individual and specific and be based on the recipient's resources and needs.

(2) The rehabilitation programme, cf. subsection (1) hereof, shall be organised and provided as an all-round and interdisciplinary service. The municipal council shall define individual objectives for the rehabilitation programme in cooperation with the individual recipient under the programme.

(3) The objectives and time frame defined for the rehabilitation programme shall form part of an overall description of the programme. Where the objectives need to be changed during the rehabilitation programme, this must be done in cooperation with the recipient.

(4) The municipal council shall offer the recipient under a rehabilitation programme the required assistance and support during the programme with a view to reaching the objectives, cf. subsection (2) hereof. Such assistance and support shall regularly be adjusted to match the development in the recipients functional capacity. If the recipient does not complete a rehabilitation programme, the municipal council shall assess the recipient's need for assistance under section 83, cf. section 83(6).

84.-(1) The municipal council shall offer substitute or respite services to a spouse, parents or other close relatives caring for a person with impaired physical or mental function.

(2) The municipal council may provide temporary accommodation for persons with temporary special needs for care and attendance.

85. The municipal council shall offer assistance, care or support as well as exercise and help in developing skills to persons with special needs due to substantial impairment of physical or mental function or special social problems.

86.-(1) The municipal council shall offer rehabilitation measures to remedy the impairment of physical function caused by a disease which is not treated in connection with hospitalisation.

(2) The municipal council shall provide assistance in maintaining physical or mental skills to persons who need such assistance due to impaired physical or mental function or special social problems.

87. The municipal council shall ensure that the activities and services listed in sections 83-85 above are available 24 hours a day, if necessary.

Decisions etc.

88.-(1) The municipal council shall decide on the granting of personal care and assistance, etc. in accordance with the provisions of this Part. The municipal council shall consider applications for assistance under section 83 on a case-by-case basis, subject to an assessment of the assistance needed for the tasks that the applicant is unable to perform. In assessing the need for assistance, the municipal council shall consider all applications for assistance from the applicant.

(2) The assistance specified under section 86 above shall be provided on a case-by-case basis, subject to assessment of the need for physical training or exercise. Rehabilitation measures under section 86(1) above shall be provided for the purpose of restoring, if possible, the physical and mental function of the person to the level prior to the disease. Assistance provided under section 86(2) shall be provided to persons in need of individual exercise in order to maintain physical or mental skills.

89. In connection with any decision made under this Part, the applicant shall be notified in writing of the type of assistance granted. The municipal council may, in the event of minor beneficial adjustments in the assistance, omit to notify the citizen hereof in writing anew.

90.-(1) Assistance under sections 83 and 86 above shall be provided in accordance with the decision made by the municipal council under sections 88-89 above. The municipal council shall ensure that the assistance granted under section 83 above is provided within a reasonable time if the supplier is unable to observe the agreements on the provision of assistance made in connection with the decision under section 88(1) above.

(2) In connection with the decision on assistance under section 83 above, the municipal council shall notify the recipient of the assistance where he/she may contact the municipal authority if the assistance granted is not delivered in accordance with the decision.

Planning and provision of assistance

91.–(1) The municipal council shall give recipients of assistance under section 83 above the option of choosing between two or more suppliers of such assistance, one of whom may be a municipal supplier.

(2) To meet the obligation pursuant to subsection (1) above, the municipal council shall, as a minimum, (i) enter into a contract with two or more suppliers or (ii) offer recipients a free-choice certificate, which shall entitle citizens eligible for assistance under section 83 to

enter into an agreement with a CVR-registered business enterprise on the performance of such assistance at their own discretion, but see subsection (3) below. (3) The municipal council may in special circumstances decide not to offer a citizen assistance under subsection (2)(ii) hereof. (4) The municipal council shall advise citizens receiving a free-choice certificate under subsection (2)(ii) on the scheme.

(5) The municipal council shall fix the value of the free-choice certificate, cf. subsection (2)(ii) hereof, for each of the service categories under section 83 above the municipal council has decided to offer in the scheme. The municipal council shall settle with the supplier chosen by the citizen, cf. subsection (2)(ii) hereof, at the price corresponding to the value of the free-choice certificate, cf. subsection (6) below.

(6) The Minister for Health shall lay down rules on suppliers' duty of notification, cf. subsection (2)(i) and (ii), on the municipal council's planning of the free-choice certificate scheme, cf. subsection (2)(ii), and on the basis of calculation for and publication of the value of the free-choice certificate.

92. (Repealed)

93.–(1) The provisions of sections 91 and 94 shall not apply to nursing home residents etc., cf. section 192 below, care home residents falling within the scope of the Act on Social Housing etc. or the Act on Housing for the Elderly and People with Disabilities, tenants and residents of private care dwellings within the scope of the Act on Private Care Dwellings, and tenants of similar housing units.

(2) The municipal council shall specify and publish the quality requirements to be imposed on suppliers of municipal services for the groups set out in subsection (1) hereof, cf. section 139 below. If the municipal council is responsible for other parts of the operation of the housing mentioned in subsection (1) hereof, the municipal council shall also set up and publish the quality requirements applicable in connection with the performance of these duties.

(3) The Minister for Health shall by order lay down rules on the determination and publication etc. of the municipal quality requirements under subsection (2) hereof.

94. Any person who is entitled to receive assistance or support under section 83 above may elect to designate a person to carry out the duties. Such designation shall be subject to approval by the municipal council, which shall subsequently contract with the designated person as to the scope and content of his/her duties, reliability of delivery, cf. section 90 above, payment, etc.

94 a.–(1) Persons receiving assistance under section 83 above may elect to receive other assistance, whether in full or in part, than the assistance decided upon, cf. sections 88-89 above. Any assistance declined under the first sentence hereof cannot later be required to be provided under section 90 above.

94 b.–(1) (Repealed)

Subsidies in cash

95.–(1) If the municipal council is unable to provide the necessary assistance to a person in need of assistance under sections 83-84, the municipal council may instead pay a subsidy towards any assistant engaged by such person.

(2) Any person with substantial and permanent impairment of physical or mental function and in need of personal assistance and care and of support for the performance of necessary practical work in the home for more than 20 hours a week may elect to receive a subsidy towards any assistant engaged by him/her.

(3) In special cases, however, the municipal council may decide that any assistance under subsection (2) hereof shall continue to be provided in kind or by payment to a closely connected person who is caring for the recipient in whole or in part.

(4) Subsidies towards the employment of assistants under subsections (1)-(3) above shall be payable subject to the capability of the recipient to act as the assistants' supervisor. It is also a condition that the recipient can act as the assistants' employer, unless the recipient enters into an agreement with a closely connected person, an association or private undertaking to the effect that the subsidy is transferred to the closely connected person, association or private undertaking, who/which shall subsequently be considered the assistants' employer. In that case, the employer's authority over the assistants with respect to the employment and dismissal of assistants shall be exercised by the closely connected person, association or private undertaking in cooperation with the recipient.

(5) Where the recipient is also the employer, the municipal council shall offer to handle the payment of remuneration etc.

96.–(1) The municipal council shall offer citizen-controlled personal assistance. Citizen-controlled personal assistance shall be offered in the form of subsidies to cover the cost of employing care assistants and supervision and attendance of citizens with substantial and permanent impairment of physical or mental function who require this very special support.

(2) Subsidies towards the employment of assistants under subsection (1) above shall be payable subject to the capability of the citizen to act as the assistants' supervisor. It is also a condition that the citizen can act as the assistants' employer, unless the citizen enters into an agreement with a closely connected person, an association or private undertaking to the effect that the subsidy is transferred to the closely connected person, association or private undertaking, who/which shall subsequently be considered the assistants' employer. In that case, the employer's authority over the assistants with respect to the employment and dismissal of assistants shall be exercised by the closely connected person, association or private undertaking in cooperation with the recipient.

(3) The municipal council may offer citizen-controlled personal assistance to citizens not covered by subsection (1) if the municipal council finds that this will ensure that the citizen receives comprehensive and coherent assistance.

(4) In situations where the citizen or a closely connected person is the employer, the municipal council shall offer to handle payment of remuneration, etc.

96 a.–(1) The Minister for Social Affairs and the Interior may lay down specific rules on the municipal council's fixing of subsidies for citizen-controlled personal assistance, including the cost of assistants' remuneration, the performance of employer and administrative duties etc. and other expenses on behalf of the citizen incurred in connection with the assistance provided.

(2) Subsidies for citizen-controlled personal assistance pursuant to sections 95 and 96 above shall be payable monthly in advance.

(3) The Minister for Social Affairs and the Interior shall lay down rules on payment and adjustment of subsidies, financial reporting and repayment of subsidies.

96 b.–(1) Where a person moves out of a municipality that pays subsidies pursuant to sections 95 and 96 above, the former residential municipality, notwithstanding the provisions of section 9 of the Act on Legal Protection and Administration in Social Matters, shall continue to pay such subsidies until the new residential municipality has come to a decision regarding subsidies under sections 95 and 96 above.

(2) Where the municipal authorities have paid subsidies under subsection (1) hereof, the municipality shall be entitled to reimbursement from the new residential municipality. The reimbursement claim shall include subsidies paid by the former residential municipality after the citizen moved out of municipality until the date of the new municipality's decision.

96 c.–(1) Where a citizen who receives a subsidy under sections 95 and 96 above dies, the subsidy shall lapse on the final day of the month in which the citizen dies, but see also subsection (2) below.

(2) Notwithstanding the aforesaid, the municipal council shall cover the cost of assistants for at least one month after the final day of the month in which the citizen dies.

(3) The Minister for Social Affairs and the Interior may lay down rules regulating payment.

Attendance and contact person

97.-(1) The municipal council shall grant 15 hours of attendance to persons under old-age pension age pursuant to section 1 a of the Act on Social Pensions, provided always that the age limit shall not be less than 67 years. Attendance shall be offered to persons whose freedom of movement is impeded due to substantial and permanent impairment of physical or mental function.

(2) Persons who have been found entitled to attendance before reaching old-age pension age, cf. section 1 a of the Act on Social Pensions, shall remain so entitled after attaining old-age pension age.

(3) Any person who is entitled to attendance, cf. subsection (1) or (2) hereof, is entitled to designate a person for that purpose. Such designation shall be subject to approval by the municipal council, and the person designated shall be employed by the municipal council.

(4) Persons with very close ties to the person entitled to attendance under subsection (1) or (2) hereof will not normally be employed for that purpose.

(5) The municipal council may decide to offer to pay a person entitled to attendance, cf. subsections (1) and (2) hereof, a subsidy in cash for an attendant to be engaged by the recipient. The recipient is free to decide whether to accept the offer.

(6) The recipient may save up hours within a period of six (6) months. The municipal council shall lay down guidelines to that effect.

(7) The recipient's expenses for the attendant's transportation and other activities associated with the attendance scheme may be reimbursed by an amount of up to DKK 663 a year. The amount shall be payable by the municipal council at the request of the recipient.

(8) No attendance may be granted under this provision to any person receiving personal assistance under section 96 above.

(9) The Minister for Social Affairs and the Interior may by order lay down rules governing the conditions of the attendance scheme.

98. The municipal council shall, as appropriate, provide required assistance to deaf-and-blind persons, by way of a special contact person.

99. The municipal council shall offer to provide support and contact persons for persons with mental diseases, for persons suffering from drug or alcohol misuse and for persons with special social problems who either have no home or are unable to stay in their home.

Part 17

Payment of necessary extra costs

100.-(1) The municipal council shall pay any necessary extra costs relating to the personal day-to-day maintenance of persons between the age of 18 and old-age pension age, cf. section 1 a of the Act on Social Pensions, with permanent impairment of physical or mental function, and of persons with permanent impairment of physical or mental function who have deferred their claim for old-age pension pursuant to section 15a of the Act on Social Pensions. The additional expenses must be a consequence of the functional impairment and may not be covered under other legislation or other provisions of this Act.

(2) The subsidy shall be calculated on the basis of the probable extra costs incurred by the individual person, for instance extra costs for individual transportation, assistance and leisure-time activities.

(3) Subsidies for necessary extra costs may be granted if such estimated extra costs amount to no less than DKK 6,000 per year, corresponding to DKK 500 per month. The subsidy shall be fixed on the basis of estimated extra costs per month and shall be rounded to the nearest full amount divisible by 100.

(4) The Minister for Social Affairs and the Interior shall by order lay down rules governing the delimitation of costs for which subsidies may be granted, and on what conditions, including who shall be eligible for extra cost subsidies.

(5) Persons who have been awarded pension under section 14 of the Act on the Highest, Intermediate, Increased Ordinary and Ordinary Anticipatory Pension, etc. are not entitled to subsidies under this provision, unless they have also been granted a subsidy in cash under section 95 above or citizen-controlled personal assistance under section 96 above.

Part 18

Treatment

101.–(1) The municipal council shall provide for treatment of drug addicts.

(2) Treatment measures offered under subsection (1) hereof shall be implemented no later than 14 days after the date of application to the municipality.

(3) The Minister for Social Affairs and the Interior shall by order lay down rules pertaining to treatment, under subsections (1) and (2) hereof, of drug addicts under the age of 18 in special cases.

(4) Any person who has been assessed to be eligible for treatment, may elect to be treated at another public treatment facility or private treatment facility comparable to the facility available to him/her pursuant to subsection (1) hereof.

(5) The time limit specified in subsection (2) hereof may be dispensed with if the person elects to be treated at another public or

or private facility than the facility designated by the municipal council under subsection (1) hereof. (6) The right to choose pursuant to subsection (4) hereof may be limited where the interests of the person in question so warrant.

101 a.–(1) The municipal council shall offer anonymous, outpatient treatment of drug misuse to persons with a drug misuse diagnosis but who do not have other social problems for which assistance is provided under Title V.

(2) The municipal council shall enter into an agreement with two or more suppliers of anonymous, outpatient treatment of drug misuse, cf. subsection (1) hereof, of which at least one must be located outside the municipality.

(3) The municipal council shall ensure that a person wanting to receive anonymous, outpatient drug misuse treatment, cf. subsection (1) hereof, can contact the municipality anonymously via a website or by telephone and make an agreement on a clarifying interview on the need for treatment. The clarifying interview must be organised so as to ensure anonymity.

(4) The municipal council shall decide on treatment subject to subsection (1) hereof on the basis of a clarifying interview, cf. subsection (3) hereof, after which the person will be referred to the treatment offers with which the municipal council has entered into an agreement under subsection (2) hereof.

(5) The municipal council may decide that the suppliers with which an agreement has been entered into, cf. subsection (2) hereof, are to deal with contacts, cf. subsection (3) hereof, and make a decision on treatment based on a clarifying interview.

(6) Decisions on treatment under subsections (4) and (5) hereof may not be brought before any other administrative authority.

(7) Treatment under subsection (1) hereof, shall take place separately from treatment programmes under section 101 above and in such a manner to ensure anonymity.

(8) Treatment under subsection (1) hereof shall constitute a limited treatment programme of short duration and include group treatment and the possibility of an individual, final interview.

102. In addition to assistance under section 85 above, the municipal council may provide for treatment of persons with substantial and permanent impairment of physical or mental function or with special social problems where this is necessary for the purpose of preserving or improving the physical, mental or social functions of the individual, and where this cannot be achieved through the treatment provided for under any other legislation.

Part 19

Sheltered employment and social and other activities

103.–(1) The municipal council shall provide sheltered employment for persons under old-age pension age, cf. section 1 a of the Act on Social Pensions who, on account of substantial impairment of physical or mental function or special social problems, are unable to find or maintain employment on the labour market on normal terms, and who are not provided for under any other legislation.

(2) The municipal council may provide special employment opportunities to persons with special social problems.

104. The municipal council shall provide social and other activities for persons with substantial impairment of physical or mental function or special social problems for the purpose of preserving or improving their personal skills or living conditions.

105.–(1) The municipal council shall remunerate persons in employment under sections 103-104 above on a performance-related basis.

(2) The Minister for Social Affairs and the Interior shall by order lay down rules governing remuneration etc. under subsection (1) hereof and rules governing subsidies for transport costs in connection with activities provided for under sections 103-104 above.

106.–(1) Any production generated through sheltered employment or social and other activities may not subject other business enterprises to unfair competition.

(2) LGDK (Local Government Denmark) shall prepare guidance as to the calculation rules for production in sheltered employment and in social and other activities.

Part 20

Accommodation facilities

107.–(1) The municipal council may offer temporary accommodation to persons in need thereof due to substantial impairment of physical or mental function or special social problems.

(2) The municipal council shall provide temporary accommodation (i) for persons with substantial impairment of physical or mental function who are in need of

care or of extensive assistance for general day-to-day functions, or who need specialised treatment-related support for a period

and (ii) for persons with impaired mental function or special social problems who are in need of care or treatment and who are unable to manage without support due to the said difficulties.

108.–(1) The municipal council shall provide accommodation in facilities suitable for long-term accommodation for persons who, due to substantial and permanent impairment of physical or mental function, need extensive assistance for general day-to-day functions or care, attendance or treatment, where such needs cannot be addressed in any other way.

(2) Persons accepting offers of accommodation under subsection (1) hereof and wishing to move to another municipality will be entitled to be offered similar accommodation in another municipality. This is subject to the condition that the person in question satisfies the requirements for admission to his/her previous and present residential municipality.

(3) The right to exercise a choice under subsection (2) hereof shall include the right for any spouse, cohabiting or registered partner to remain part of the household. Where a person wishes his/her spouse, cohabiting or registered partner to remain part of the household, the accommodation offered under subsection (1) hereof shall be suitable for two persons. If the person who is physically or mentally disabled, cf. subsection (2) hereof, dies, the surviving spouse or partner shall be entitled to remain in the accommodation.

(4) The Minister for Social Affairs and the Interior shall by order lay down rules governing the conditions for being offered accommodation facilities under subsection (2) hereof.

(5) The Minister for Social Affairs and the Interior shall by order lay down rules stipulating duties for a region or one or more municipalities to accept persons residing in the Faeroe Islands and persons residing in Greenland in accommodation facilities covered by subsection (1) hereof.

(6) The Minister for Social Affairs, Children and Integration shall by order lay down rules on security measures in accommodation facilities covered by subsection (1) hereof, and on duties for a region or one or more municipalities to accept persons in the accommodation facilities covered by subsection (1) hereof if such persons (i) are required to undergo a court-ordered psychiatric examination, (ii) have been ordered by the court to be accommodated in facilities for persons with substantial impairment of mental

function or to be subject to supervision, possibly including administrative accommodation or (iii) as a condition for a dismissal of charges or a release on parole are to be accommodated in facilities for persons with substantial impairment of mental function or to be subject to supervision, possibly including administrative accommodation.

109.–(1) The municipal council shall offer temporary accommodation facilities for women who have been exposed to violence, threats of violence or a corresponding crisis in relation to family or cohabitation relationships. The women may be accompanied by children and shall receive care and support during their stay.

(2) Admission to accommodation facilities may be anonymous subject to the applicant's own application or by referral from public authorities.

(3) The principal shall decide on admissions.

(4) Accommodation facilities under subsection (1) hereof shall notify the municipal council in the municipality with a duty to provide assistance under this Act, cf. sections 9-9b in the Act on Legal Protection and Administration in Social Matters, not later than three (3) week days after a decision on admission to the accommodation facility.

(5) Accommodation facilities under subsection (1) hereof shall, to the extent possible, notify the municipal council in the municipality with a duty to provide assistance under this Act, cf. sections 9-9b in the Act on Legal Protection and Administration in Social Matters, before discharge from the accommodation facility but not later than three (3) week days after such discharge.

(6) Notification under subsections (4) and (5) hereof shall as a minimum include the name and civil registration number of the woman and any children as well as the date of and grounds for admission and discharge. For women admitted to the accommodation facility anonymously, cf. subsection (2) hereof, the name and civil registration number of the woman and any children shall be omitted and it should be ensured that the woman's anonymity is maintained.

(7) The municipal council shall provide initial and coordinating support and counselling to women residing in accommodation facilities of a type falling within this subsection. Initial counselling shall be initiated as early as possible after notification of admission to the accommodation facility and shall introduce the women to the coordinating counselling and establish contact between the women and a staff member in charge of such coordinating counselling. Coordinating counselling shall be provided with respect to housing, finances, labour market, education, day-care facilities, health sector, etc. and shall support the individual elements of the facilities otherwise provided by the municipal council. Counselling shall be initiated when preparation of discharge from the accommodation facility is started and shall be provided until the woman and any children are settled in their own home.

(8) The municipal council shall offer psychological treatment to children accompanying their mother during her stay in accommodation facilities falling within this subsection. Treatment shall comprise at least four hours and no more than 10 hours depending on the needs of the child. Treatment shall be provided by a licensed psychologist. The obligation to offer psychological treatment applies irrespective of the length of the stay. The offer shall be given during the actual stay or immediately in continuation thereof.

110.–(1) The municipal council shall provide temporary accommodation in facilities for persons with special problems who have no home or who cannot stay in their own home and who are in need of accommodation and activating support, care and subsequent assistance.

(2) Admission to accommodation facilities under subsection (1) above may be anonymous subject to the applicant's own application or by referral from public authorities.

(3) The principal shall decide on admissions.

(4) Accommodation facilities under subsection (1) hereof shall notify the municipal council in the municipality with a duty to provide assistance under this Act, cf. sections 9-9b in the Act on Legal Protection and Administration in Social Matters, not later than three (3) week days after a decision on admission to the accommodation facility.

(5) Accommodation facilities under subsection (1) hereof shall, to the extent possible, notify the municipal council in the municipality with a duty to provide assistance under this Act, cf. sections 9-9b in the Act on Legal Protection and Administration in Social Matters, before discharge from the accommodation facility but not later than three (3) week days after such discharge.

(6) Notification under subsections (4) and (5) hereof shall as a minimum include the name and civil registration number of the person any children as well as the date of and grounds for admission and discharge.

111.-(1) Accommodation facilities under this Act shall not be subject to rent legislation. (2) The Minister for Social Affairs and the Interior shall lay down rules on the rights of residents in long-term accommodation facilities under this Act.

Title VI Technical aids etc.

Part 21

Technical aids, layout and interior design and transportation

Technical aids

112.-(1) The municipal council shall grant support for technical aids to persons with permanent impairment of physical or mental function where the aid (i) will remedy the permanent effects of the functional impairment significantly, (ii) will facilitate daily life in the home significantly or (iii) is necessary to enable the person to pursue an occupation.

(2) The municipal council may direct that a specific aid shall be supplied by particular contractors. In connection with the conclusion of supply contracts by the municipal council, representatives of the users shall be involved in the drafting of performance specifications.

(3) The applicant may choose the supplier of technical aids, but see subsection (4) below. If the municipal council has entered into a supply contract and the applicant wishes to use another supplier than the supplier with whom the municipal council has entered into the supply contract, the applicant shall purchase the aid himself/herself and subsequently have all expenses reimbursed, subject to a maximum amount equivalent to the price at which the municipal council could have acquired the aid from its supplier. If the municipal council has not entered into a supply contract, the applicant is free to choose a supplier, and support shall in that case be granted on presentation of a receipt, subject to a maximum amount equivalent to the price for the best suitable and cheapest aid.

(4) The applicant's right to choose the supplier of technical aids under subsection (3) hereof shall not apply if the municipal council can make an aid available that is completely identical to the aid the applicant wishes to purchase from another supplier.

(5) The Minister for Social Affairs and the Interior may by order lay down rules on (i) the delimitation of the aids for which subsidies are available, and the right of replacement, (ii) the proportion of the cost of acquisition, repairs and operation of a specific aid,

(iii) when a subsidised aid may be granted as a loan or be supplied as a non-cash benefit, (iv) whether certain aids shall be subject to specific conditions, including the possibility of

having certain aids supplied from a public institution and (v) whether certain aids may be made available in connection with an accommodation facility.

112 a.-(1) Application for subsidised aid, cf. section 112 above, shall be submitted to the municipal council by means of the digital solution made available by the local authority (digital self-service). Applications not submitted by means of digital self-service will be rejected by the local council; but see subsections (2) and (3) hereof.

(2) If the special circumstances apply, as a result of which the citizen cannot be expected to be able to use digital self-service, the local council shall offer that the application may be submitted in a manner other than through digital self-service under subsection (1) hereof. The local council shall determine how an application comprised by

the first sentence hereof shall be submitted, including whether it is to be submitted orally or in writing.

(3) The municipal council may in very exceptional cases, in addition to the cases specified in subsection (2) hereof, decide not to reject an application which is not submitted through digital self-service, if from an overall financial assessment, it is clearly favourable for the municipal council to receive the application in a non-digital manner.

(4) A digital application is deemed to have been received when it is available to the municipal council.

Consumer durables

113.–(1) The municipal council shall provide financial support for the purchase of consumer durables provided the conditions of section 112(1) above

have been met. Notwithstanding the aforesaid, financial support shall not be granted for consumer durables normally found among the household effects in a home. (2) Assistance shall only be provided where the cost exceeds DKK 500. (3) The assistance shall amount to 50 per cent of the price of a general standard product. (4) Where, as a result of the functional impairment, a consumer durable is required the cost of which exceeds the price of a general standard product, or where the functional impairment necessitates special fitting or device in respect of the consumer durable, the municipal authorities shall pay any necessary extra costs, cf. subsection (1) hereof. (5) If the consumer durable serves exclusively as an aid for the purpose of compensating for the functional impairment, the municipal authorities shall pay the acquisition costs in full, cf. subsection (1) hereof. The financial support may be granted as a loan.

(6) The Minister for Social Affairs and the Interior may by order lay down rules on (i) the delimitation of the consumer durables for which subsidies are available, and the right of replacement and (ii) the proportion of the cost of repairs and operation of a consumer durable which is payable by the recipient.

Subsidies for cars

114.–(1) The municipal council shall grant subsidies for the purchase of cars to persons with permanent impairment of physical or mental function where such impairment substantially (i) reduces the possibility of finding or maintaining employment without the use of a car, (ii) reduces the possibility of completing an education without the use of a car or (iii) restricts the freedom of movement where the person pursues activities outside the home which imply

a significant need for transportation by car. (2) Any subsidy under subsection (1) hereof shall be granted by way of an interest-free loan of up to a limit of DKK 160,000. (3) In quite exceptional circumstances connected with the functional impairment,

an interest-free and non-amortising loan may be granted to cover the difference between the subsidy granted under subsection (1) hereof and the acquisition price. (4) The Minister for Social Affairs, Children and Integration shall by order lay down rules on (i) the requirements for obtaining subsidies under subsections (1) and (3) hereof and on the conditions applying to such subsidies, including rules on the persons who are eligible to obtain subsidies, (ii) the procedure in connection with the testing and choice of a car, including rules on private players' participation therein, (iii) repayment of loans and the income basis for such repayment and on the extension or remission of car loans as a result of inability to pay and as a result of withdrawal in connection with changes in physical or mental function or conditions related thereto,

(iv) the right to receive subsidies for replacement of a car for which subsidies were granted, cf. subsections (1)-(3) above, including rules on the procedure in connection with the re-granting of subsidies for the purchase of a car and on the application of proceeds from the disposal of a car for which subsidies were previously granted, including in connection with re-granted subsidies for the purchase of a car,

(v) subsidies for necessary fitting etc., including the proportion payable by the recipient, (vi) the extent to which subsidies are available for the cost of driving lessons etc., (vii) subsidies for persons bringing in cars when entering Denmark and (viii) the extent to which a child a young person under the age of 18 who fall within the group of eligible persons, cf. subsection (1) above, and who

are placed in care under section 52(3)(vii) can maintain subsidies for the purchase of a car or obtain subsidies for the purchase of a car.

115. Any subsidies under sections 112-114 above shall be granted subject to the condition that the aid, consumer durable or car in question is not available under any other legislation.

Layout and interior design

116.–(1) The municipal council shall provide assistance for the layout and design of the homes of persons with permanently impaired physical or mental function where such layout or design is required to make the home better suited to accommodate the resident.

(2) Any person who has been granted assistance under subsection (1) hereof may choose, if he/she wishes to use a builder other than the one chosen by the municipal council, to arrange for the layout and design work at his/her own discretion and have all expenses reimbursed, subject to a maximum amount equivalent to the price at which the municipal council could have had its chosen builder perform the layout and design work. Likewise, the applicant is entitled to choose materials other than those selected by the municipal council.

(3) The Minister for Social Affairs and the Interior shall lay down rules on the right under subsection (2) hereof to choose a builder and materials in connection with any decision to grant assistance for layout and interior design work, including rules on requirements for builders and on the possibility of agreeing to return fittings and equipment after use and to re-establish the accommodation and the conditions applying thereto.

(4) In exceptional cases where assistance under subsection (1) hereof is inadequate to make the home a suitable place of accommodation, the municipal council may contribute towards the expenses of acquiring alternative accommodation for persons with substantial and permanent impairment of physical or mental function. It is a condition that no other accommodation can be allocated to cover the needs of the person in question.

(5) Persons receiving social pensions are not eligible for assistance under subsection (4) hereof, unless such persons are receiving assistance under section 96 above.

(6) The Minister for Social Affairs and the Interior shall by order lay down rules on whether assistance granted under subsections (1), (2) and (4) hereof shall be repayable, including whether any amount repayable may be secured by a charge on the property.

Subsidies for individual transportation

117.–(1) The municipal council may grant subsidies to persons in need of individual transportation due to permanently impaired physical or mental function.

(2) Decisions by the municipal council providing assistance under this provision may not be brought before any other administrative authority.

Part 22

Care of closely connected persons with disabilities or suffering from serious diseases

118.–(1) Persons who are attached to the labour market and who wish to care for a closely connected person with substantial and permanent impairment of physical or mental function or serious, chronic or long-term, including terminal, illness in the person's home, shall be employed by the municipal council where (i) the alternative to care in the home is full-time residential accommodation away from the home, or the amount of care needed corresponds to a full-time job (ii) the parties agree on establishing the care arrangement and (iii) the municipal council considers that there are no strong indications against the person in question ("carer") caring for the closely connected person.

(2) The carer shall be employed by the residential municipality of the connected person. The salary shall amount to DKK 16,556 per month. 12 per cent in total shall be paid into a pension scheme, 4 per cent of which shall be withheld from the salary, and 8 per cent of the salary shall be contributed by the employer.

(3) The carer may be employed for up to six (6) months to care for the closely connected person. The employment period may under special circumstances be extended for up to three months. The employment period may be divided into periods of 30 days. Subject to agreement with the employer who has granted the carer leave of absence to care for a closely connected person, the employment period may be divided into shorter periods. The employment period may be shared by several individuals provided they all meet the conditions for employment under subsection (1) hereof.

(4) Where the employment period is shared by several individuals, the total salary shall not exceed the salary pursuant to subsection (2) hereof. The salary shall be payable on a pro-rata basis.

(5) Only one care scheme shall be granted for one continuous course of illness or disability. The closely connected person may, however, be enrolled in the care scheme again if the person requiring care contracts another illness or function impairment pursuant to subsection (1) hereof and if the conditions are otherwise met.

(6) An employment contract shall be concluded between the carer and the municipal council, setting out the employment terms and conditions, including the identity of the closely connected person, the duration of the employment, the duties and responsibilities, notice periods, etc. If the employment is terminated prematurely due to excusable circumstances, the municipal authorities shall pay one month's salary to the carer after the end of the month in which the contract is terminated. If the carer finds another means of support during the said period, the obligation of the municipal authorities will lapse.

Part 23

Care of terminal patients

119.-(1) Upon application, a person caring for a closely connected person who wishes to die in his/her own home is entitled to constant care allowance as described in section 120 below. Payment of constant care allowance shall be subject to the condition that hospital treatment must be assumed to be futile on medical grounds, and that the patient's condition does not require hospital admission or extended hospitalisation, admission to a nursing home, care home, etc. Further, it is a condition that the patient agrees to the establishment of the constant care relationship.

(2) An employer paying salary to an employee during his/her absence from work in connection with caring for a closely connected person under subsection (1) hereof, thereby ensuring that the employee suffers no loss of earnings, is entitled to payment of the amount otherwise payable to the employee by way of constant care allowance under section 120(1) below.

120.-(1) Constant care allowance under section 119 above shall amount to 1.5 times the amount of sickness benefits to which the recipient would have been entitled under the Act on Benefits in the event of Illness or Childbirth had he/she been ill, but see subsection (2) hereof. For self-employed who are not eligible for cover under the voluntary insurance scheme, or who are entitled to benefits from the third day of absence under the voluntary insurance scheme, constant care allowance shall be payable from the first day of absence from work. The amount of constant care allowance payable shall not exceed the former income, cf. section 47 of the Act on Benefits in the event of Illness or Childbirth.

(2) Persons who are not entitled to constant care allowance under subsection (1) hereof shall be paid constant care allowance amounting to DKK 11,609 per month. Persons who are entitled to constant care allowance under subsection (1) hereof may instead elect payment of the amount specified in the first sentence hereof. In that case, cf. the first and second sentences hereof, the constant care allowance shall not be paid in addition to any other welfare benefits. Where several persons are joint carers, the amount will be reduced according to the respective proportions of the amount of care provided by the carers.

(3) Where several persons are joint carers, the total constant care allowance shall not exceed 1.5 times the maximum amount of benefits payable under section 50(1) of the Act on Benefits in the event of Illness or Childbirth.

(4) In exceptional cases the municipal council may decide to pay constant care allowance in excess of the amount specified in subsections (1)-(3) hereof.

121.-(1) The entitlement to constant care allowance shall cease on termination of the care relationship. Upon the death of the patient, the entitlement to constant care allowance shall be retained for up to 14 days after the date of the death. Any admission of the patient to hospital etc. for short periods shall not in itself cause the entitlement to constant care allowance to lapse.

(2) By way of exception, the municipal council may decide that the entitlement to constant care allowance shall lapse if continued care in the patient's home cannot be deemed to be expedient.

Requisites etc.

122.-(1) Where the cost of requisites etc. is not covered otherwise, the municipal council may contribute towards such cost where (i) closely connected persons care for a terminal patient in connection with an established care relationship, cf. section 119, (ii) the municipal authorities are providing the care in full or in part, or where the municipal council contributes under section 95 towards

any assistance engaged by the family or (iii) a hospice is providing the care. (2) The assistance shall be provided irrespective of the financial situation of the patient or the family.

Title VII Forcible measures and other restrictions on the right of self-determination

Part 24

Forcible measures

Children and young persons

123.-(1) Secure wards in institutions designed for residential accommodation for children and young persons shall be used only if absolutely required in the given situation. Isolation, etc., in institutions designed for residential accommodation for children and young persons shall be used only if absolutely required in the given situation. The Minister for Social Affairs and the Interior shall lay down rules governing the conditions for such measures. The locking of rooms in secure wards at night shall not be deemed to constitute isolation.

(2) When a child or young person is accommodated in a facility or residential institution for children and young persons, the children and young persons committee may, where necessary in view of the health or development of the child or young person, decide without a court order that the correspondence, telephone conversations or other communications of the child or young person with specified persons outside the institution shall be monitored. The decision shall be made for a specified period of time. Letters and other communications to or from public authorities or to or from a lawyer, cf. section 72(3) above, may not be monitored. Any decision under the first sentence hereof may be made on a provisional basis subject to the rules set out in section 75 above, provided the conditions have been met. The Minister for Social Affairs and the Interior shall by order lay down rules governing the monitoring of correspondence, telephone conversations and other communications.

(3) In residential care facilities provided by the municipal authorities, other than the facilities referred to in subsection (1) hereof, forcible measures may only be taken where absolutely required in the given situation.

(4) Any forcible measure taken shall be registered and reported by the facility to the municipal council responsible for the child's or young person's stay in the facility, cf. sections 9 and 9 a of the Act on Legal Protection and Administration in Social Matters and to the social supervisory authority which supervises the operations of the facility, cf. section 2 of the Act on Social Supervision. Where forcible measures have been used in respect of a child or young person in a municipal or regional facility, the facility shall also inform the municipality or regional operator of the forcible measures.

(5) The Minister for Social Affairs and the Interior shall lay down specific rules on forcible measures and the registration and reporting thereof.

(6) Sections 771 and 772(1) and (2), first sentence, of the Administration of Justice Act pertaining to visits and correspondence etc. shall apply correspondingly to young persons who are placed in secure wards as an alternative to being remanded in custody. Subject to consultation with the Minister for Justice, the Minister for Social Affairs and the Interior shall lay down rules governing visits, correspondence, telephone conversations and other communications.

(7) Subsections (1) and (3)-(6) hereof shall apply correspondingly to young persons over the age of 18 if the persons in question are placed in a facility, cf. section 66(i)(v) and (vi) above, in accordance with any judgment, sentence or order of a criminal court.

Inspection of children's and young persons' bodies and rooms

123 a.-(1) A secure ward is entitled to inspect the effects a child or young person placed in the ward keeps in his/her room without a court order where such inspection is necessary to enforce regulations and observe security precautions (i) when the child or the young person is placed in a secure ward, (ii) before and after visits and (iii) before and after the child or young person has been away from the secure ward.

(2) In residential institutions, including without limitation secure wards, partly locked residential institutions and partly locked wards in residential institutions, the principal of the institution or his/her authorised deputy may, without a court order, decide to inspect the child's or young person's body or room on suspicion that the child or young person holds effects the possession of which constitutes a violation of regulations and the non-observance of security precautions.

(3) An inspection of the effects kept by a child or young person in his/her room or on his/her body shall not be conducted if, given the purpose of the restrictive measure and the anticipated ensuing humiliation and discomfort, the measure is considered disproportionate.

(4) Any inspection shall be conducted as gently as circumstances allow.

(5) An inspection of effects that a child or young person has in his/her possession or on his/her body shall only in exceptional circumstances be conducted and supervised by a person of a different gender than the young person.

(6) The principal of the institution or his/her authorised deputy may, without a court order, decide to withhold effects in the possession of the child or young person where this is deemed necessary in order to observe regulations and security precautions.

(7) Subsections (1)-(6) and (8) hereof shall apply correspondingly to young persons over the age of 18 if the persons in question are placed in a facility, cf. section 66(i)(v) and (vi) above, in accordance with any judgment, sentence or order of a criminal court.

(8) The Minister for Social Affairs and the Interior shall by order lay down rules governing the inspection of a child's or young person's body or room.

Placement in partly locked residential institutions and partly locked wards in residential institutions

123 b.-(1) Partly locked residential institutions and partly locked wards in residential institutions for children and young persons between the ages of 12 and 17 may be used only where it is essential for the socio-educational treatment to be able to lock exit doors and windows at times or that the child or young person can be physically restrained and there is a risk that the health of development of the child or young person will suffer serious harm due to (i) criminal behaviour on the part of the child or young person, (ii) substance abuse on the part of the child or young person or (iii) other behavioural or adaptation problems in the child or young person.

(2) In partly locked institutions and partly locked wards in residential institutions, exit doors and windows may be locked at times, and children and young persons may be physically restrained.

(3) The children and young persons committee may, cf. sections 52(1) and 58 above, decide to place a child or young person in a partly locked institution or in a partly locked ward in a residential institution, cf. subsection (1) hereof.

(4) The municipal council shall specify the framework and conditions for any placement falling within subsection (1) hereof.

(5) Any decision under subsection (1) hereof may be made on a provisional basis subject to the rules set out in section 75 above, provided the conditions have been met.

(6) The Minister for Social Affairs and the Interior shall lay down rules governing placement in and conditions during placement in partly locked residential institutions and partly locked wards in residential institutions.

Detention immediately after placement

123 c.-(1) The children and young persons committee may decide that children and young persons in residential institutions and accommodation facilities, cf. section 66(1)(v) and (vi) above, may be detained for up to 14 days after their placement in the institution or facility concerned where (i) it must be deemed to be of vital importance to meet a child's or young person's special

need for support and (ii) it is estimated to have decisive importance for the socio-educational treatment. (2) The Minister for Social Affairs and the Interior shall lay down rules governing the procedures and conditions of detention.

123 d.-(1) On application from a residential institution or accommodation facility, the municipal council may in special cases decide, for a limited period, to use personal alarm or paging systems targeted at children and young persons who are placed in a residential institution or accommodation facility and who have substantial and permanent impairment of physical or mental function where (i) there is an imminent risk that the child or young person, in leaving the residential institution or accommodation facility, may

cause injury to himself/herself or to others, (ii) the personal alarm or paging system can contribute to averting this risk and (iii) the custodial parent has consented to the use of the personal alarm or paging system.

(2) The Minister for Social Affairs and the Interior shall lay down rules on the delimitation of the period during which personal alarm or paging systems may be used, on the processing of applications for the implementation of initiatives under subsection (1) hereof and on the types of alarm or paging systems that may be used legally, etc.

Adults

Scope of application

124.-(1) The purpose of the provisions of this Title VII is to limit the use of forcible measures and other restrictions on the right of self-determination to the bare minimum. Such restrictions shall never be used as substitutes for care, attention or socio-educational assistance.

(2) Prior to any form of forcible measure or other restrictions on the right of self-determination, the municipal authorities shall seek to procure the person's voluntary consent to any necessary measure.

(3) Any use of force shall be in reasonable proportion to the intended result. Where less restrictive measures are sufficient, such measures shall be applied.

(4) Forcible measures shall be applied as gently and as briefly as possible, with due consideration for the individual person and any other persons present, thereby avoiding undue violation or inconvenience.

(5) Restrictions within the meaning of section 126 below may be carried out by employees at facilities operated by the region or private-sector suppliers who, following a municipal eligibility assessment, provide services to the person in question, cf. section 124a below. The municipal council shall inform private-sector service suppliers about the conditions for taking restrictive measures pursuant to section 126 below, including the reporting requirement, cf. section 136 below. With respect to facilities established by the regional council, the duty to inform pursuant to the second sentence hereof shall lie with the regional council.

124 a.-(1) The provisions of sections 124-137 shall apply to persons with substantial and permanent impairment of mental function who are receiving personal and practical help and socio-educational assistance etc. under sections 83-87 above, treatment under sections 101-102 above or social or other activities under sections 103-104 above, and who do not consent to any measures under sections 125-129 below. It is a condition that the requisite professional documentation of the impairment of mental function is available.

Alarm systems

125.–(1) The municipal council may decide to use personal alarm or paging systems for a person for a limited period of time where (i) there is a risk that in leaving the residential or day-care facility, the person in question may cause injury to himself/herself or to other persons,

(ii) the circumstances of the given situation make it necessary in order to avert this risk.

(2) For persons where the functional impairment, cf. section 124a above, is a consequence of an acquired mental impairment that is progressive, the use of personal alarm and paging systems may be implemented unless the person in question objects to such use. If the person objects to the use of a personal alarm or paging system, the municipal council may decide to use such a system, cf. subsection (1) above. Any decision under the second sentence hereof may be made indefinite.

(3) The municipal council may decide to use special door opening devices at exit doors for one or more persons for a limited period where (i) there is an imminent risk that in leaving the residential or day-care facility, one or more persons may cause substantial injury to themselves or to other persons, and (ii) it is absolutely necessary to avert this risk in the given situation and (iii) all other measures available under the Act have been used in vain.

(4) If measures pursuant to subsection (3) hereof are implemented, an exit door alarm shall be installed in the interests of the free movement of residents to ensure that residents who are unable to operate the special door opening device obtain the necessary help for this purpose. Residents covered by the measure taken under subsection (3) hereof may thus only be detained if the provision of section 127 below also applies.

Restraint etc.

126. The municipal council may decide to use physical force in restraining a person or leading a person to another room where (i) there is an imminent risk that the person may cause substantial injury to himself/herself or other persons and (ii) it is absolutely necessary in the given situation.

126 a. By way of exception, the municipal council may decide to use physical force for a limited period to restrain a person where this must be deemed to be absolutely necessary to exercise the duty of care in personal hygiene situations, cf. section 82(1) above. At the same time, attempts must be made through the action plan, cf. section 136(2) below, to ensure that forcible measures may be avoided in future personal hygiene situations.

Detention in the home

127.–(1) Subject to the same conditions as in section 125(3) above, the municipal council may decide to apply physical force by way of restraint to prevent a person from leaving the home or to take him/her back to the home.

(2) The municipal council shall decide on the period during which a person may be detained in the home and shall consider from time to time whether a less restrictive measure may be adopted.

Use of fabric braces

128.–(1) The municipal council may decide to restrain a person by a fabric brace fastened to a wheelchair or any other aid, bed, chair or toilet so as to prevent falls where there is an imminent risk that a person may cause substantial personal injury to himself/herself, and where absolutely required in the given situation.

(2) The municipal council shall decide on the period during which the protective measures listed in subsection (1) hereof may be used and shall consider from time to time whether a less restrictive measure may be adopted.

Admission to special accommodation facilities without consent

129.–(1) The municipal council may, cf. section 131 below, recommend that the state administration should decide that a person objecting to removal or lacking the capacity to give informed consent thereto, but see subsection (2) hereof, shall be admitted to a specific accommodation facility under this Act, to a housing unit in accommodation built under Act No. 378 of 10 June 1987 (now repealed) on Housing for the Elderly and People with Disabilities or under the Act on Social Housing etc. where (i) it is absolutely required in order to ensure that the person in question receives the necessary assistance, and (ii) the assistance cannot be provided in the person's existing home, and (iii) the person in question cannot understand the consequences of his/her actions, and (iv) the person in question risks exposing himself/herself to substantial personal injury and (v) it would be irresponsible not to arrange for the person to move.

(2) The municipal council may make decisions regarding admission to a specific accommodation facility for a person with substantial and permanent impairment of mental function, cf. section 124a above, who does not object to removal, but who lacks the capacity to give informed consent to moving, and where the mental functional impairment is a consequence of an acquired mental impairment that is progressive, provided that the municipal council's recommendation is accepted by the guardian appointed by the state administration, cf. section 131 below, where (i) admission to a residential accommodation facility with associated service is necessary for the person in question to receive the necessary assistance and (ii) it is found in the specific case to be the most expedient care solution for the person in question.

(3) The municipal council may in exceptional cases recommend that the state administration should decide that a person who has been admitted to a specific accommodation facility under subsection (1) hereof and lacks the capacity to give informed consent may be moved to another corresponding housing unit where care can be provided for the person in question although the conditions of subsection (1)(i)-(v) hereof have not been satisfied if this is deemed to be in the best interests of the person in question, including the possibilities for the person to remain in contact with his/her relatives.

(4) If any spouse, cohabiting partner or other relative can no longer provide the necessary assistance for and supervision of the person in question, this should be included in the assessment made by the municipal council under subsections (1)-(2) hereof.

(5) An appeal against the municipal council's decision under subsection (2) hereof shall lie to the state administration pursuant to the provisions of Part 10 of the Act on Legal Protection and Administration in Social Matters. If the municipal council's recommendation cannot be accepted by the guardian appointed by the state administration, cf. section 131 below, the municipal council shall make a recommendation to the state administration to make a decision on admission or referral to a specific accommodation facility under subsection (2) hereof.

Procedure, administration, etc.

130. To make decisions pursuant to sections 125, 126a, 127 and 128, the municipal council shall have at its disposal (i) the requisite professional documentation of the impaired function, (ii) information about the socio-educational care and assistance under Part 16 implemented prior to

the contemplated decision to implement the measures, (iii) information about the expected period during which the measures will be required and (iv) the comments to the contemplated measures by relatives and, if applicable, a guardian.

Decisions by state administration on admission to special accommodation facilities without consent

131.–(1) The state administration shall decide on admission to special accommodation facilities without consent under section 129 above upon the recommendation of the municipal council. The state administration's decision shall be made no later than two (2) weeks after receipt of the municipal board's recommendation.

(2) The recommendation shall include an account of (i) the basis on which the conditions of section 129 above are deemed to be satisfied, (ii) the requisite professional documentation of the impaired function, (iii) the care and assistance under Part 16 implemented or offered to the person or his/her family before the recommendation of special accommodation was decided upon, (iv) the layout and design of the new accommodation and the personal assistance, care and support, etc. made available thereafter and (v) the comments of the person in question, his/her relatives and, if applicable, the guardian to the move.

(3) A spouse or any other closely connected person living in shared accommodation with the person involved is entitled to complain against any refusal by the municipal council to recommend admission to special accommodation facilities under this provision. The complaint may be brought before the state administration, but not before any other administrative authority. The provisions of sections 66-69, the first sentence of section 70 and section 74 of the Act on Legal Protection and Administration in Social Matters shall apply in the event that complaints are brought before the state administration.

(4) If the person involved does not already have a guardian, the municipal council shall, when recommending a move, request the state administration to appoint a legal guardian under the Legal Guardianship Act.

(5) If necessary, the municipality may ask the police for assistance in the enforcement of a decision concerning a move.

Legal assistance

132.–(1) The municipal council shall ensure that the person involved receives legal assistance for the purpose of safeguarding his/her interests in case of (i) detention in the home etc. against his/her will under section 127 above or (ii) admission to special accommodation facilities under section 129(1) above.

(2) The municipal authorities shall pay the legal costs, comprising the lawyer's fees and expenses under the rules applying to the grant of free legal aid, cf. Part 31 of the Administration of Justice Act.

Complaints to the National Social Appeals Board

133.–(1) Decisions by the municipal council under sections 125, 126, 126a, 127, 128, 137b and 137c(2) may be appealed to the National Social Appeals Board in accordance with the rules provided for in Part 10 of the Act on Legal Protection and Administration in Social Matters.

(2) Complaints against restrictive measures under section 126 which are performed by private-sector suppliers, staff in regional facilities or private suppliers in facilities established by the regional council may be brought before the National Social Appeals Board subject to Part 10 of the Act on Legal Protection and Administration in Social Matters, cf. subsection (1) above. The complaint shall be submitted to the municipal council responsible for the citizen's stay in the facility, cf. sections 9 and 9b of the Act on Legal Protection and Administration in Social Matters. The municipal council shall consider the appeal pursuant to section 66 of the Act on Legal Protection and Administration in Social Matters.

(3) A spouse, relative, legal guardian or any other representative of the person to whom a measure relates may complain against a decision by the municipal council where the person affected is unable to do so.

134.–(1) The decisions of the state administration under section 131 above on the admission to specific accommodation facilities under section 129 may be appealed to the National Social Appeals Board within four (4) weeks of the date on which the applicant was given notice of the decision.

(2) The person to whom a decision relates or the municipal council is entitled to appeal the decisions listed in subsection (1) hereof.

(3) A spouse, relative, legal guardian or any other representative of the person to whom a measure relates may appeal a decision by the state administration where the person affected is unable to do so.

(4) For the purpose of the consideration of an appeal by the National Social Appeals Board, the provisions of Parts 9 and 10 of the Act on Legal Protection and Administration in Social Matters shall apply, except for section 66 of Part 10 of the Act.

Judicial review

135.-(1) Provided an application is made to the National Social Appeals Board within four (4) weeks of the date on which notice of the decision was given to the applicant, the applicant may demand that the decision be brought before the court subject to the provisions of Part 43a of the Administration of Justice Act where the decision by the National Social Appeals Board concerns (i) detention in the home etc. under section 127 above or (ii) admission to special accommodation facilities under section 129 above.

Registration, reporting and action plans

136.-(1) Admission to accommodation facilities under section 129 above and any forcible measures taken, including in connection with measures under sections 125-128 above, shall be registered and reported by the facility to the municipal council responsible for the citizen's stay in the facility, cf. sections 9 and 9 a of the Act on Legal Protection and Administration and to the municipal council in the municipality that supervise the operation of the facility, cf. section 148a of this Act or section 2 of the Act on Social Supervision. If the citizen to whom the report concerns is staying in a regional or municipal accommodation facility, such facility shall also notify the municipal or regional operator on the use of forcible measures.

(2) The municipal council shall draw up action plans in accordance with section 141 below for persons in relation to whom the measures referred to in subsection (1) hereof are implemented.

Authorisations etc.

137.-(1) The Minister for Social Affairs and the Interior shall by order lay down rules governing the implementation of measures, registration, reporting, approval and drawing up of action plans, cf. sections 125-131 and 136 above.

(2) The Minister for Social Affairs and the Interior shall by order lay down rules on the appointment of lawyers providing assistance in cases under sections 127 and 129 above and on the legal representation to be provided in such cases, cf. section 132 above.

Regulation of visiting restrictions etc.

137 a. Persons residing in assisted living accommodation, nursing homes or any other accommodation facilities with attached staff and common areas shall decide themselves by whom they would like to be visited, but see sections 137b(1) and 137c(2) below.

137 b.-(1) The municipal council may decide to restrict particular visitors' access to common areas in accommodation facilities mentioned in section 137a above where (i) the visitor commits violence or threatens to commit violence against other residents or staff or, in any other manner, displays a behaviour that endangers the safety of other residents or staff, (ii) the visitor, without being physically violent, disturbs or harasses other residents or staff; or
(iii) the visitor's behaviour has a strong negative impact on the other residents or staff by engendering a general sense of insecurity through the visitor's presence in the common residential areas or by disrupting the ambience of the common residential areas or by impeding the provision of the necessary assistance under the Act on Social Services.

(2) The municipal council shall, by a decision under subsection (1) hereof, secure the visitor's access to the part of the housing unit whereof the resident has an exclusive right of use.

137 c.-(1) The municipal council may not decide to restrict specific visitors' access to the part of the housing unit whereof the resident has an exclusive right of use.

(2) The municipal council may decide, however, that certain visitors behaving towards the staff in a manner as specified in section 137b(1)(i) and (iii) above shall not have access to this part of the housing unit during periods when assistance is provided for which the resident has been assessed eligible pursuant to the Act on Social Services.

137 d.-(1) Decisions under sections 137b(1) and 137c(2) above shall be made at a meeting of the municipal council or the standing committee; in corporate-model municipalities, however, decisions shall be made by the corporation member under whom the services under section 83 of the Act on Social Services belong.

(2) Decisions under sections 137b and 137c(2) above which, because of the immediate need, cannot be deferred pending consideration by the municipal council, may, however, be made on a provisional basis by the municipal administration or the standing committee, cf. subsection (1) hereof.

(3) A provisional decision under subsection (2) hereof shall, as soon as possible, be submitted for approval to the authority empowered to make decisions under subsection (1) hereof.

(4) Decisions under section 137b and 137c(2) above shall in each case be limited to the bare minimum. The extent and duration of the visiting restriction shall be specified in the decision. A decision may be made only in so far as attempts have been made to take less restrictive measures against the visitor.

(5) Decisions under sections 137b and 137c(2) shall be made in respect of both the visitor and the resident.

(6) Decisions under sections 137b and 137c(2) may be appealed to the National Social Appeals Board, cf. the provisions of section 133(1) above.

Part 24 a

Enforcement of criminal sanctions, etc.

Scope and purpose

137 e.-(1) Pursuant to the rules set out in this Part, a decision may be made to take restrictive measures, cf. sections 137g-137 j below, against persons with impairment of mental function who have been placed in an accommodation facility, cf. section 108, in accordance with any judgment, sentence or order of a criminal court.

(2) Persons with or without impairment of mental function may be comprised by restrictions under section 137g below if the persons in question are placed in a facility, cf. section 66(1)(v) and (vi), in accordance with any judgment, sentence or order of a criminal court.

(3) This Part shall not include persons who remain in the placement facility, cf. section 66(1)(v) and (vi), or in the accommodation facility, cf. section 108, after the criminal sanction has been lifted.

Authority

137 f.-(1) The municipal council in the municipality obliged to provide assistance, cf. sections 9 and 9a of the Act on Legal Protection and Administration in Social Matters, shall make decisions on the restrictive measures set out in sections 137g-137j below.

(2) The principal of the accommodation facility, cf. section 108 above, and the deputy principal may, however, make provisional decisions, cf. sections 137g-137j below, on restrictive measures in cases where the implementation of the restrictive measure is urgent and cannot be deferred pending consideration by the municipal council. The principal of the placement facility, cf. section 66(1)(i) and (vi) above, and the deputy principal may make provisional decisions, cf. sections 137g below on restrictive measures in cases where the implementation of the restrictive measure is urgent and cannot be deferred pending consideration by the municipal council. Provisional decisions, cf. the first and second sentences hereof, may be made by principals and deputy principals of placement facilities, cf. section 66(1)(v) and (vi) above and in accommodation facilities, cf. section 108 above, operated by municipalities, regions and private-sector suppliers.

(3) A provisional decision, cf. subsection (2) hereof, shall, as soon as possible, be submitted to the municipal council for approval, cf. subsection (1) hereof.

(4) Restrictive measures may be applied by employees at placement facilities, cf. 66(1)(v) and (vi) above, and accommodation facilities, cf. section 108 above, operated by municipalities, regions or private-sector suppliers.

(5) It is a condition for decisions to take restrictive measures that the purpose of the restriction cannot reasonably be met by applying less restrictive measures.

Individual restrictions

Restriction on the inmate's internet and telephone access

137 g.-(1) A decision may, without a court order, be made to monitor the inmate's use of telephone and internet in specific cases where this is deemed necessary in order to observe regulations and security precautions and to prevent crime.

(2) A decision may, without a court order, be made to prevent the inmate from using telephone and internet in specific cases where this is deemed necessary in order to observe regulations and security precautions and to prevent crime.

(3) The communication of the inmate with public authorities, lawyers or guardians may, however, neither be monitored nor prevented.

Examination of the inmate's room and effects

137 h. A decision may, without a court order, be made to examine the room and effects of an inmate in an accommodation facility, cf. section 108 above, where this is deemed necessary in order to observe regulations and security precautions and to prevent crime. At least two employees shall participate in the examination of the inmate's room and effects.

Forfeiture of the inmate's effects

137 i.-(1) A decision may, without a court order, be made to forfeit effects in the possession of an inmate in an accommodation facility, cf. section 108 above, where this is deemed necessary in order to observe regulations and security precautions and to prevent crime.

(2) Where effects in the possession of the inmate are forfeited, the employees shall make a list of such effects. The inmate shall be notified of the forfeiture and receive a copy of the list.

Locking of the inmate's housing unit for the night

137 j.-(1) A decision may, without a court order, be made to lock up an inmate in an accommodation facility, cf. section 108 above, in his/her housing unit at night for up to eight hours in the period between 9 pm and 8 am if there is an imminent risk that the inmate will escape the accommodation facility.

(2) To decide on any restrictive measure under subsection (1) above, it is a condition that (i) the restriction is safe and does not involve health hazard for the inmate, (ii) the inmate is not suicidal, (iii) the inmate has a staff call system in his/her housing unit which the inmate is able to use,

(iv) the inmate has access to toilet and water in his/her housing unit and (v) regular monitoring is carried out in the period during which the inmate is locked up.

Duration of restrictions

137k.-(1) Restrictions shall be lifted immediately when the conditions for implementing such restrictions no longer exist.

(2) The municipality or person deciding to take restrictive measures, cf. section 137f(1)-(3) shall regularly consider the question of lifting the restriction.

Right of appeal

137 l.-(1) Decisions on restrictive measures, cf. sections 137g-137j above, may be appealed to the National Social Appeals Board pursuant to the provisions of Part 10 of the Act on Legal Protection and Administration in Social Matters.

(2) A guardian, spouse, relative or any other representative of the person to whom a restrictive measure relates may appeal against the decision where the person affected is unable to do so.

Registration and reporting

137 m.-(1) Any restrictive measure pursuant to sections 137g-137j above which is or has been implemented shall be registered without delay. Any such registration shall be reported without delay by the principal or deputy principal of the placement facility, cf. section 66(1)(v) and (vi) above, or accommodation facility, cf. section 108 above, to the municipal council that is under an obligation to provide assistance, cf. sections 9 and 9a of the Act on Legal Protection and Administration in Social Matters. The registration shall include information stating (i) the name of the inmate, (ii) the date and hour of the measure, (iii) the duration of the measure, (iv) the nature of the measure and (v) the reason for the measure.

(2) The inmate against whom the restrictive measure is or was targeted shall be notified of the registration and be offered the possibility of adding his/her own account.

(3) At the end of each month, the principal of the placement facility, cf. section 66(1)(v) and (vi) above, or accommodation facility, cf. section 108 above, shall send his/her comments and a copy of the registrations, cf. subsection (1) hereof, to the municipal council obliged to provide assistance, cf. sections 9 and 9 a of the Act on Legal Protection and Administration and to the social supervisory authority, which supervises the operations of the placement facility or accommodation facility, cf. section 2 of the Act on Social Supervision. In case measures are applied that are or have been implemented under a municipal or regional facility, the principal or the deputy principal shall also inform the municipal or regional operator about the measure.

Title VIII Administration etc.

Part 25

Quality standards and action plans

Quality standards

138. The municipal council may decide, within the scope of this Act, to fix general, recommended service levels for the local implementation of assistance services under the Act.

139. The Minister for Social Affairs and the Interior may by order lay down rules to the effect that the municipal council shall make decisions on the content, scope and provision of services for adults under this Act and follow up such decisions.

Action plans

140.-(1) The municipal council shall draw up an action plan before deciding on any measures under sections 52 and 76 and 76a. above Where the drawing up of the action plan cannot be deferred due to the best interests of the child or young person, a brief statement of the purpose of the specific measure shall be sufficient. In that case, the municipal council shall draw up an action plan as soon as possible, but within four (4) months.

(2) For young persons under the age of 18 with a drug misuse diagnosis requiring treatment, the municipal council shall draw up an action plan for the treatment to be implemented and for the necessary support for the young person. The action plan shall be drawn up in consultation with the young person and his/her family.

(3) An action plan shall state the purpose of the initiatives and the type of initiative required to achieve such purpose. The action plan shall be based on the results of the child protection examination of the circumstances of the child or young person, cf. section 50 above. In relation to the problems addressed in the examination, the action plan shall contain specific objectives for the welfare and development of the child or young person in compliance with the overall purpose of the support, cf. section 46 above. Moreover, in relation to young persons aged 16 or over, the action plan shall set specific objectives for the young person's transition to adult life, including employment and education objectives.

(4) An action plan shall also indicate the expected duration of the initiatives. In cases involving children or young persons placed in care, cf. sections 52(3)(vii) and 58 above, an action plan shall also state the types of support to be implemented separately in respect of the family during the period when the child or young person is placed in care as well as during the period after the return of the child or young person.

(5) With respect to a young person sentenced pursuant to section 74a of the Criminal Code, the action plan shall include a definite plan for the education or employment of the young person to be initiated as soon as possible or following the expiry of the sanction at the latest.

(6) One combined action plan for two or more children in the family may be drawn up. The action plan shall in such case take the individual circumstances of the children into account.

(7) Where an action plan results in the child or young person being placed in an accommodation facility under section 66 above or being deemed eligible for a treatment programme for drug misusers under section 101 above, relevant parts of the action plan shall be given to such facility or programme.

141.-(1) Where assistance is granted to persons under old-age pension age, cf. section 1a of the Act on Social Pensions under Title V above, the municipal council shall consider, as part of the initiatives taken, whether it may be expedient to offer to draw up an action plan in respect of the initiatives, but see subsection (2) and (6) hereof. In this connection, due consideration shall be given to the citizen's wish for an action plan as well as to the nature and scope of the initiatives.

(2) The municipal council shall offer to draw up an action plan where the assistance is provided to (i) persons with substantial impairment of physical or mental function or (ii) persons with serious social problems who either cannot stay in their own home or, if so, only with considerable support, or who are otherwise in need of considerable support for improving their potential for personal development.

(3) The action plan shall specify (i) the purpose of the initiatives, (ii) the action necessary to achieve the purpose, (iii) the expected duration of the initiatives and (iv) any other special factors relating to accommodation, employment, personal assistance, treatment, aids,

etc.(4) The action plan should be drawn up on the basis of the citizen's situation and, to the widest possible extent, in consultation with the citizen concerned.

(5) Where an action plan results in a person being eligible for stay in social residential facilities under sections 107-110 above or a treatment programme for drug misusers under section 101 above, relevant parts of the action plan shall be given to such facility or programme.

(6) The municipal council's obligations under subsections (1)-(5) hereof shall not apply to persons offered anonymous, outpatient treatment for drug misuse under section 101a hereof.

Part 26

Follow-up, supervision and payment for supervision

142-145. (Repealed)

146.-(1) The municipal council shall supervise the living conditions of children, young persons under the age of 18 and expectant parents in the municipality.

(2) The municipal council shall discharge its supervisory duties under subsection (1) hereof in a manner enabling it to identify as soon as possible any cases requiring special support for a child or young person under the age of 18 or where it must be assumed that a child may require special support immediately after being born.

147. (Repealed)

148.-(1) The municipal council in the municipality that is obliged to provide assistance under this Act, cf. sections 9-9b of the Act on Legal Protection and Administration in Social Matters, shall supervise the facilities and activities decided by the municipal council in that municipality in respect of the individual person, cf. section 3(1) above. Supervision shall not comprise general operational supervision, cf. section 148a below and the Act on Social Supervision.

(2) The municipal council in the municipality that is obliged to provide assistance under this Act, cf. sections 9-9b of the Act on Legal Protection and Administration in Social Matters, shall continuously follow up the individual cases to ensure that the assistance still satisfies its purpose. The municipal council shall in that connection note in particular whether it is necessary to provide any other forms of assistance. Such follow-up shall be based on the recipient's conditions and, if possible, in consultation with the recipient.

(3) If, in connection with its supervision pursuant to subsection (1) above, the municipal council that is responsible for the citizen's stay in the facility, cf. section 9 and 9b of the Act on Legal Protection and Administration in Social Matters becomes aware of matters of concern in the facility covered by the Act on Social Supervision, the municipal council shall notify the municipal council which under section 2 of the Act on Social Supervision is responsible for supervising the operations of the facility.

148 a.-(1) The municipal council shall perform general operational supervision of its own facilities under this Act, which are not covered by section 4 of the Act on Social Supervision, as well as private facilities under this Act located in the municipality, which are not covered by section 4 of the Act on Social Supervision. Such operational supervision shall cover supervision of the facility staff, buildings and finances.

(2) Supervision under subsection (1) hereof, shall, however, not cover facilities where another municipal council or regional council has concluded an agreement on use of all places in the facility and on supervision.

(3) Supervision under subsection (1) hereof shall not cover foster families and municipal foster families, cf. section 66(1)(i) and (ii) above, or network foster families, cf. section 66(1)(iii) above, and own rooms, etc., cf. 66(1)(iv) above.

(4) The municipal may delegate its authority subject to this provision to the social supervisory authority, cf. section 3(1)(ii) of the Act on Social Supervision.

(5) The Minister for Social Affairs and the Interior may lay down specific rules regulating operational supervision.

149.-(1) The municipal and regional councils shall fix a tariff for general operational supervision, cf. sections 5(8) and 148a above, payable by the facilities subject to supervision.

(2) The tariff under subsection (1) hereof shall be calculated on the basis of the average expenses involved in supervising the facility or the type of facility.

150.-(1) (Repealed)

151.-(1) The municipality of location shall supervise the performance of the municipal duties under sections 83, 83a and 86, thereby ensuring that the municipal council's decisions under the said provisions are complied with and that the quality standards adopted by the municipal council are duly observed, cf. section 139 above.

(2) As part of the duty of supervision under subsection (1) hereof, the municipal council shall perform at least one announced and one unannounced visit every year in nursing homes etc., cf. section 192 below, in care homes falling within the scope of the Act on Social Housing etc. or the Act on Housing for the Elderly and People with Disabilities, and in other corresponding housing units in the municipality. Supervision shall comprise any assistance, support, etc. provided to residents and tenants receiving municipal services. Supervision shall not be performed by suppliers or persons who provide services in the said area.

(3) The municipal council's duty under subsections (1) and (2) hereof shall not apply to facilities covered by the social supervisory authority, cf. section 4 of the Act on Social Supervision.

151 a.-(1) With respect to tenants and residents of private care dwellings, the obligation to follow up individual cases and the duty of supervision, cf. section 148(1) and (2) and section 151(1) above, shall lie with the municipal council in the municipality where the private care dwellings are located.

(2) The municipal council's duty of supervision shall include at least one announced and one unannounced visit to the private care dwellings every year. Supervision shall comprise any assistance, support, etc. provided to residents and tenants receiving municipal services. Supervision shall not be performed by suppliers of private care dwellings or persons who provide services on behalf of the supplier of private care dwellings in the said area.

(3) In the context of each supervision visit, the municipal council shall ensure that the service generally provided in the private care dwellings meets the requirements of the licence held by the supplier of private care dwellings.

151 b.-(1) Where, during a supervision visit to private care dwellings, the municipal council finds that a citizen does not receive the assistance to which he/she is entitled under the decision, the municipal council shall inform the citizen and the municipality that has made the decision pursuant to this Act if the municipality is not identical to the municipality in which the dwellings are located.

(2) The municipal council may issue any necessary order against the supplier of private care dwellings required to ensure that assistance is provided in accordance with the decision. The municipal council shall inform the supplier of private care dwellings that any failure to provide assistance in accordance with the decision may result in the supplier being reported to the National Board of Social Services. Where the supplier of private care dwellings does not comply with the order, the municipal council shall immediately report the matter to the National Board of Social Services. The municipal council shall prepare a recommendation for use in connection with decisions made by the National Board of Social Services.

151 c.-(1) The municipal council shall formulate and publish a policy for the supervision of assistance and services offered under section 83 above that are covered by the rules on free choice of supplier pursuant to section 91 above.

(2) The supervision policy shall lay down municipal procedures for performing supervision of such assistance and services and for following up the supervision.

(3) In connection with decisions on the service level for assistance and services offered under section 83 above and on the preparation of quality standards under section 139 above, the municipal council shall follow up the supervision policy at least once a year, for instance by making any such adjustments as are necessary.

Part 27

Duty of notification

152.-(1) Where a family with one or more children under the age of 18 or expectant parents move from one municipality to another, and the authorities of the municipality which the family has left find that one or more children or the expectant parents are in need of special support due to the possible special needs of the child immediately following birth, these authorities shall notify the authorities of the municipality in which the family has taken up residence.

(2) In connection with any notification under subsection (1) hereof, the authorities of the municipality out of which the family has moved shall transmit any necessary case documents, including a summary of any relevant assessments made by these authorities in the case.

153.-(1) Persons providing public services or holding public offices shall notify the municipal authorities if, in the exercise of their duties, they learn or become aware of any circumstances giving rise to the presumption that (i) a child or young person under the age of 18 may need special support, (ii) a child may need special support immediately after being born because of the circumstances of the expectant parents, (iii) a child or young person under the age of 18 may need special support on account of the child's or young person's unlawful absence from school or failure to meet the

compulsory education requirement or (iv) a child or young person under the age of 18 has been exposed to abuse.

(2) The Minister for Social Affairs and the Interior may lay down rules on the duty of notification for other groups of persons who, in the pursuit of their occupation, learn or become aware of any circumstances giving rise to measures being taken under this Act. The Minister for Social Affairs and the Interior may also lay down rules which impose on other groups of persons a duty of notification under subsection (1)(ii) hereof in connection with activities pursued independently of their occupation.

153 a.-(1) General medical practitioners, medical specialists and any other persons working within the social and health services may, subject to the consent of the custodial parent, disclose information about children and young persons under the age of 18 with impaired vision to the John F. Kennedy Institute - the National Eye Clinic for the Visually Impaired. The John F. Kennedy Institute may, subject to the consent of the custodial parent, disclose such information to the social, health and education authorities.

(2) The Minister for Health may lay down rules on the disclosure of information to and from the John F. Kennedy Institute under subsection (1) hereof.

154. Any person who learns or becomes aware that a child or young person under the age of 18 is being neglected or abused by his/her parents or other persons involved in his/her upbringing, or is living under conditions endangering his/her health or development, shall notify the municipal authorities thereof.

155.-(1) The municipal council shall ensure a timely and systematic assessment of all notifications under sections 152-154 above for the purpose of determining whether the child or young person needs special support. The municipal council shall perform a central registration of the notifications for the purpose of supporting the planning of the initiatives.

(2) Within 24 hours after receiving a notification under subsection (1) hereof, the municipal council shall assess whether the health or development of the child or young person is at risk and whether there is a need for implementing immediate measures in respect of the child or young person.

155 a.-(1) When the municipal council receives a notification about a child or young person in respect of whom the municipal council has already implemented measures, the municipal council shall review the case. One or more persons who work for the authority engaged in solving tasks in the field of socially disadvantaged children and young persons and who have not previously been involved in the consideration of the case, shall participate in the review.

(2) For the purpose of the assessment of a notification under sections 152-154 above, cf. subsection (1) hereof, a consultation may be conducted with the child or young person. The consultation may be conducted without the consent and presence of the custodial parent where this is in the best interests of the child or young person. In the event of any notification of abuse of a child or young person, a consultation shall be conducted with the child or young person. In the event of any notification of abuse of a child or young person allegedly committed by the child's or young person's parents, the consultation shall be conducted without the consent and presence of the custodial parent.

(3) A consultation under this provision may be dispensed with if factors such as the maturity of the child or young person or the nature of the case suggests that the assessment should be made without prior consultation.

155 b.-(1) Within six (6) business days after receiving a notification under sections 152-154 above, the municipal council shall acknowledge receipt of the notification to the notifier.

(2) The municipal council shall inform the notifier under section 153 above whether it has initiated an investigation or measures pertaining to the child or young person to whom the notification relates. Notwithstanding the aforesaid, this shall not apply where special circumstances exist.

(3) The municipal council may, by a notification under section 153 above, inform the notifier about the type of measure it has initiated and about the planned duration hereof if any such information could be of crucial importance for the support the notifier, in the exercise of his/her duties, is capable of offering the child or young person. Notwithstanding the aforesaid, this shall not apply where special circumstances exist.

Part 28

Penalty provisions

156. Any person who incites or assists a child or young person in care under this Act to escape, or who harbours such child or young person, shall be liable to imprisonment for up to two (2) years or, in the case of mitigating circumstances, to a fine.

157. Any person who places or receives a child or young person in care, contrary to the provisions of this Act, or who removes a child or young person from a foster family, shall be liable to a fine.

Part 29

Payment and repayment, etc.

Payment

158.–(1) Unless otherwise provided under this Act, any person receiving assistance, whether personally or for his/her spouse or children, shall pay for any such assistance received.

(2) The Minister for Social Affairs and the Interior may by order lay down rules providing for the charging of fees for any overdue payments for services provided under this Act.

159.–(1) The Minister for Social Affairs and the Interior may lay down rules providing that the parents and the child or young person shall pay for the residential accommodation, cf. section 52(3)(vii) above. Payment for residential accommodation pursuant to section 52(3)(vii) above shall not be charged when provided in continuation of placement pursuant to section 68 a above.

160. The young person shall pay for residential accommodation, cf. section 76(3)(i) and section 76a(2) above, and for accommodation under a phasing-out plan under section 76(3)(iii), subject to rules laid down by order by the Minister for Social Affairs and the Interior.

161. The Minister for Social Affairs and the Interior shall by order lay down rules governing payment for assistance and services provided under Part 16 and governing the calculation and income basis for such payment (means-testing).

(2) Payment may be charged for staff costs for meal service schemes under section 83(1)(iii) above and for assistance under section 84 if the citizen does not receive assistance under sections 41, 42, 96 or 100 above at the same time.

(3) The Minister for Social Affairs and the Interior shall lay down rules on the recipient's maximum co-payment for meals services under section 83(1)(iii) above, including rules on the adjustment of such co-payment.

162. (Repealed)

163. The general rules on assistance under this Act shall apply to accommodation in facilities under sections 107-110 above.

(2) Residents shall pay for accommodation in facilities under sections 107-110 above, but see subsection (3) hereof. For residents of long-term accommodation facilities, cf. section 108 above, such payment shall be fixed on the basis of the cost of operating the building. As a general rule, a resident of a temporary accommodation facility who maintains his/her current housing during the period at the accommodation facility, will incur no expenses in connection with the housing.

(3) The Minister for Social Affairs and the Interior shall by order lay down rules governing payment and the reduction of payment by an amount to be calculated according to rules as similar as possible to the provisions of the Act on Individual Housing Benefits.

163 a. The municipality allocating transition housing to a tenant, cf. section 63 of the Act on Social Housing etc., shall reimburse the tenant for the difference between the tenant's rent expense and other mandatory payments, after deduction of subsidies under the Act on Individual Housing Benefits, and the amount, cf. section 163(2) above, which the tenant should have paid for accommodation in a facility falling within section 107 or 110 above. The tenant's expenses for any lease premium or deposit shall not be included in the calculation of the reimbursement. The Minister for Social Affairs and the Interior shall by order lay down rules on the matters referred to in this provision.

Repayment

164. The municipal council shall decide on any repayment (i) where a person has acted in bad faith in failing to provide information as required under the Act on Legal Protection and Administration in Social Matters or (ii) where a person has knowingly received assistance under this Act without being entitled thereto.

164 a. (Repealed).

165.-(1) Claims for repayment shall be enforced by the municipal authorities pursuant to rules laid down by the Minister for Social Affairs and the Interior in consultation with the Minister for Taxation. In this connection, it may be decided that an instalment scheme will lapse in case of the debtor's default despite demands for payment.

(2) The repayment claim shall lapse after a period of five (5) years from the discontinuation of the assistance without any financial possibility of enforcing the claim.

Part 29 a

Discontinuation of payment of benefits in certain cases

§ 165 a.-(1) Payment of benefits under sections 42, 95(2), 96 and 100 shall cease for persons knowingly evading criminal prosecution in Denmark if (i) such person has been remanded in custody, (ii) the police are searching for the person in question with a view to taking the person into custody or (iii) an order for custody has been issued against the person.

(2) Payment of benefits under sections 42, 95(2), 96 and 100 above shall likewise cease for persons knowingly evading enforcement in Denmark if an unconditional prison sentence or any other criminal sanction involving imprisonment or the risk of imprisonment has been imposed on the person in question.

(3) Benefits payable in arrears, cf. subsections (1) and (2) hereof, shall cease with effect from the date on which the person evaded criminal prosecution or enforcement of a sentence. Discontinuation of payment of prepaid subsidy, cf. subsections (1) and (2) above, shall be effective for the month following the month in which the person in question avoided prosecution or enforcement of a sentence.

(4) Where a criminal prosecution, cf. subsection (1) hereof, is not followed by a conviction, the part of the benefits remaining unpaid while the person was evading prosecution, shall be paid back. However, the benefits will not be paid back to the estate of the deceased if the person dies before sentence is pronounced in the case.

165 b. The police or the Prison and Probation Service shall notify the municipal authorities of the evasion if there is a suspicion that a person who is knowingly evading criminal prosecution, cf. section 165a(1) above, or enforcement of a sentence in Denmark, cf. section 165a(2) above, is at the same time receiving benefits covered by section 165a(1) and (2) above.

Part 30

Complaints and judicial review

166. Unless otherwise provided by this Act or by the Act on Legal Protection and Administration in Social Matters, decisions by the municipal council may be appealed to the National Social Appeals Board in pursuance of the rules of Part 10 of the Act on Legal Protection and Administration in Social Matters.

166 a. (Repealed).

167.-(1) The following decisions may be appealed by the child or young person aged 12 or over to the National Social Appeals Board in accordance with the provisions of the Act on Legal Protection and Administration in Social Matters: (i) Preventive measures and out-of-home placement under section 52(3) above. (ii) Juvenile order under section 57b(iii) Return of a child or young person and transitional period under section 68(2).

(iv) Choice of placement facility under section 68b(1). (v) Treatment, education and training, etc. under section 69(1). (vi) Access and contact under section 71(2). (vii) Use of alarm or paging systems under section 123d. (viii) Restriction on telephone and internet access under section 137g.

(2) In so far as any decision under subsection (1)(v) and (vi) hereof relates to the non-custodial parent, the decision may likewise be appealed to the Social Appeals Board.

(3) Decisions in cases relating to the advisor to a child or young person subject to section 48a above may be appealed to the National Social Appeals Board by the child or young person subject to the provisions of the Act on Legal Protection and Administration in Social Matters.

(4) Decisions on aftercare measures under section 76 or prolonged placement under section 76 a made in pursuance of section 68(12) and (14) above before the young person attains the age of 18 may be appealed to the Social Appeals Board by the young person in accordance with the provisions of the Act on Legal Protection and Administration in Social Matters.

Decisions by the children and young persons committee

Complaints to the National Social Appeals Board

168.–(1) Decisions made by the children and young persons committee, cf. section 74 above, may be appealed to the National Social Appeals Board within four (4) weeks of the date on which the applicant was given notice of the decision. Notwithstanding the aforesaid, an complaint against a decision under section 75(3) above shall not be reviewed by the National Social Appeals Board while care proceedings under section 58 above are still pending before the children and young persons committee.

(2) The parties entitled to bring a case before the National Social Appeals Board are the custodial parent and the young person aged 12 or over. In addition, decisions under sections 71(3)-(5) and 123(2) above relating to the non-custodial parent may be appealed to the National Social Appeals Board by the non-custodial parent. Moreover, foster parents may appeal decisions under section 78(4) to the Social Appeals Board.

(3) Where a case is brought before the National Social Appeals Board, this shall not prevent the implementation of the measures etc. decided upon; but in exceptional cases the director of the Board may determine that a decision shall not be implemented until the Social Appeals Board has made its decision in the case.

(4) Sections 72, 73 and 74(2) and (3) above shall apply correspondingly to proceedings before the National Social Appeals Board. This shall also apply where the Social Appeals Board of its own initiative reviews a case involving support for children and young persons, cf. section 65 above, and the Social Appeals Board estimates in that connection that the proceedings may result in the Board making a decision on its own under section 65(3) above.

(5) In connection with the consideration of a case by the National Social Appeals Board, the custodial parent and the young person aged 12 or over are entitled to reimbursement of transport costs incurred to attend meetings in the National Social Appeals Board.

Judicial review

169.–(1) Subject to application to the National Social Appeals Board within four (4) weeks from the date when the applicant is given notice of a decision by the Social Appeals Board under sections 65(3) and 168 hereof, such decision may be required to be brought before the court.

(2) Where a decision by the National Social Appeals Board has been affirmed by a court order, a further review by the court may not be required unless the case has once more been submitted to the National Social Appeals Board for decision.

170.–(1) The district court shall be assisted for the purpose of the principal proceedings by an assessor who is an expert in child welfare, and by an assessor who is an expert in child or youth psychiatry or psychology.

(2) Cases shall be processed in pursuance of the provisions of the Administration of Justice Act pertaining to civil proceedings, including Part 43 a on reviews of administrative detention with amendments as set out herein.

(3) The custodial parent and the young person aged 12 or over shall be deemed to be the parties, regardless of whether or not such persons have required the decision be brought before the court.

(4) The court may direct that proceedings be conducted behind closed doors.

(5) The name, occupation or address of any person referred to during the proceedings shall not, without the permission of the court, be disclosed in public transcripts of the court proceedings or the judgment, nor shall the identities of the said persons be made public in any other way. Any contravention of this prohibition shall be

punishable by a fine.

(6) In case of dissenting judgments, the names of the judges shall not be stated.

171. The decision of the City Court may not be brought before the High Court. However, the Board of Appeal may grant permission of an appeal if the case is of general public importance or where warranted by exceptional grounds. Application for permission shall be submitted to the Board within four (4) weeks of the judgment. However, the Board may in exceptional cases grant permission if the application is submitted later, but still within one (1) year of the judgment.

172.–(1) The expert assessors referred to in section 170 above shall be appointed by the Court Administration subject to consultation with the Minister for Social Affairs and the Interior. The Court Administration shall decide on their number, remuneration and travel allowance. The assessors appointed shall be of full age and may not be under legal guardianship under section 5 of the Legal Guardianship Act or under financial guardianship under section 7 of the Legal Guardianship Act, and they shall be trustworthy and of good character.

(2) Appointment shall be for 4 years. An assessor shall retire at the end of the month in which he/she attains the age of 70.

(3) No person who satisfies the requirements under subsection (1) hereof may refuse to accept appointment, unless he/she is over the age of 65 or has any other reasonable ground for being excused.

(4) The assignment of an expert assessor to a specific case from among those appointed shall be effected by the presiding judge. No person may be so assigned who would be excluded from acting as a judge in the case under sections 60-61 of the Administration of Justice Act.

Part 30 a

Authorisations etc.

172 a. The Minister for Social Affairs and the Interior may lay down rules governing the processing of cases under this Act which fall within the scope of the Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (the Hague Child Protection Convention). The Minister may also lay down rules governing the entitlement of municipal authorities to charge payment for measures taken with reference to the convention.

Title IX Funding, tariffs and reimbursement, etc.

Part 31

Funding and tariffs

173. The municipal authorities shall cover in full all expenses under this Act.

174.–(1) The municipal, regional or private supplier shall lay down indicative tariffs for services and facilities under this Act, but see subsection (3) hereof. Such tariffs shall be calculated on the basis of all budgeted, direct and indirect long-term costs of providing the service or operating the facility.

(2) If a municipality uses another municipality's or a region's services or facilities under this Act, any claim for payment for such use, based on the calculated tariffs, cf. subsection (1) above, shall be presented within 12 months of the provision of the assistance.

(3) The Minister for Social Affairs and the Interior shall lay down rules pertaining to the tariff calculation, including the basis for the calculation, which services and facilities under the Act that are covered by subsection (1) hereof and when subsection (1) hereof may be derogated from.

(4) The Minister for Social Affairs and the Interior may by order lay down rules governing the principles for the funding by municipalities of the most specialised national and regional services and facilities.

(5) The Minister for Social Affairs and the Interior may lay down rules governing the collection of a fixed tariff from municipalities where young persons under the age of 18 are accommodated in facilities under the Prison and Probation Service.

175. The state shall pay the expenses for the national organisation for knowledge and specialist consultancy and the Social Services Gateway, cf. Part 4.

State reimbursement

176.–(1) Where expenses for assistance and support under the Act for a person under the age of 67 in a specific case exceed DKK 950,000 a year, the state shall reimburse 25 per cent of the part of the municipal expenses exceeding the said amount, but see section 176a below. For the part of the expenses in excess of DKK 1,770,000 a year, state reimbursement shall amount to 50 per cent, but see section 176a below.

(2) The Minister for Social Affairs and the Interior may by order lay down rules on state reimbursement under this provision.

(3) In 2007, state reimbursement shall amount to 25 per cent from DKK 0.4 million a year and 50 per cent from DKK 0.8 million a year. In 2008, reimbursement shall amount to 25 per cent at DKK 0.5 million a year and 50 per cent at DKK 1 million a year. In 2009, reimbursement shall amount to 25 per cent at DKK 0.6 million a year and 50 per cent at DKK 1.2 million a year.

176 a.–(1) Where the municipal expenses for assistance and support under the Act for a person who is under the age of 18 or receives support under section 76 or 76a above, in a specific case, exceed DKK 710,000 a year, the state shall reimburse 25 per cent of the part of the municipal expenses exceeding the said amount. For the part of the expenses in excess of DKK 1,420,000 million a year, state reimbursement shall amount to 50 per cent.

(2) The reimbursement limits and amounts set out in subsection (1) above shall likewise apply to a municipality's total expenditure for assistance and support where four or more children in the same household are placed in a facility under section 52(3)(vii) or are in a placement facility under section 76(3)(i) or (iii) or section 76a(2).

(3) The Minister for Social Affairs and the Interior may lay down rules governing state reimbursement under subsections (1) and (2) above.

177.–(1) The state shall reimburse 50 per cent of the expenses incurred by municipal authorities in respect of: (i) Subsidies under section 41 above towards the extra cost of maintenance in the home of a child under the age of 18 with substantial and permanent impairment of physical or mental function. (ii) Assistance under section 42 above covering loss of earnings for persons maintaining in the home a child

under the age of 18 with substantial and permanent impairment of physical or mental function etc. (iii) Free legal assistance, cf. section 72 above. (iv) Subsidies under section 100 above towards payment of any necessary extra costs relating to the maintenance of persons with substantial

and permanent impairment of physical or mental function. (v) Accommodation facilities under sections 109 and 110 above, including expenses for assistance, support, employment and activity programmes, etc., offered in connection with the accommodation facility.

178.–(1) The Minister for Social Affairs and the Interior may decide that in special cases the expenses relating to temporary accommodation facilities under sections 109 and 110(1) above, including expenses for assistance, support, employment and activity programmes, etc. offered in connection with the accommodation facility shall be payable in full by the state, either by way of subsidies or by way of an interest-free and non-amortising loan.

(2) The Minister for Social Affairs and the Interior may decide that in exceptional cases the expenses relating to employment, activity and community activities under sections 103-104 for persons with special social problems shall be payable in full by the state, either by way of subsidies or by way of an interest-free and non-amortising loan.

179.–(1) The state shall reimburse in advance all refundable expenses incurred by municipal authorities under this Act.

180.–(1) The state shall pay all expenses for the independent consultant scheme under section 15 above.

Intergovernmental reimbursement under Community Law

180 a.–(1)The state shall reimburse the municipal authorities for the cost of health allowances under this Act where such costs are covered by Community Law provisions on intergovernmental reimbursement; the municipal authorities shall report any claim in this connection and the state shall receive the reported reimbursement from the social security authorities of the debtor state.

(2) Subject to consultation with the Minister for Social Affairs and the Interior, the Minister for Health shall lay down rules governing the national administration of intergovernmental reimbursement pursuant to Community Law.

Costs in connection with aliens

181.-(1) Pursuant to subsections (2) and (3) hereof, the state shall pay all costs in connection with aliens issued with residence permits under (i) section 7 or 8 of the Aliens Act; (ii) section 9b of the Aliens Act; (iii) section 9c(1) of the Aliens Act, in direct continuation of a residence permit under section 9b of the Aliens Act; (iv) section 9(1)(i) or (ii) of the Aliens Act, due to a connection to a person permanently resident in Denmark, where that person has been issued with a permanent residence permit under one of the provisions referred to in paragraphs (i)-(iii) hereof, or where the connection can be traced back to such a person; (v) section 9c(1) of the Aliens Act, where the permit has been issued to a person over the age of 18 whose father or mother had been issued with a residence permit under one of the provisions referred to in paragraph (i) hereof; (vi) section 9c(1) of the Aliens Act, where the permit has been issued to the spouse or child of a person issued with a residence permit as referred to in paragraphs (ii) and (iii) hereof; (viii) section 9c(1) of the Aliens Act, where the permit has been issued due to a connection to a minor alien seeking asylum who has been issued with a residence permit under section 7 or 9c of the Aliens Act; or (ix) section 9e of the Aliens Act.

(2) The state shall cover in full all costs of assistance under sections 11(3), 41-42, 52(3)(i)-(vi), (viii) and (ix), 52a, 54, 76(2) and (3)(ii), 96, 98 and 100 during the first three (3) years from the date of issue of the residence permit.

(3) Notwithstanding the provisions of subsection (2) hereof, the state shall cover costs incurred by municipal authorities in connection with

- (i) aliens placed in a residential facility within twelve (12) months of the date of issue of the residence permit, on grounds of substantial and permanent impairment of physical or mental function, but only until the person in question has been self-reliant for a continuous period of two (2) years; and
- (ii) aliens where the permit has been issued to a minor alien seeking asylum, but only until the minor in question attains the age of 18, or until the minor's parents obtain legal residence in Denmark.

Adjustment

182.-(1) The amount set out in section 41 above shall be adjusted on 1 January each year at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. The amount shall be rounded to the nearest full amount in DKK. The first such adjustment shall be made on 1 January 2016.

(2) The amount set out in section 32(8) above shall be adjusted on 1 January each year at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. The amount shall be rounded to the nearest full amount in DKK. The first such adjustment shall be made on 1 January 2009.

(3) The amount set out in section 42(3) above shall be adjusted at 1 January each year at 2.0 per cent plus or less an adjustment percentage for the relevant fiscal year, cf. the Rate Adjustment Percentage Act. The amount shall be rounded to the nearest full amount in DKK. The first such adjustment shall be made on 1 January 2012.

(4) The amount set out in sections 45(5) and 97(7) above shall be adjusted on 1 January each year at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. The amount shall be rounded to the nearest full amount in DKK. The first such adjustment shall be made on 1 January 2006.

(5) The amount set out in the first sentence of section 100(3) above shall be adjusted on 1 January each year at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. The amount shall be rounded to the nearest full amount in DKK. The first such adjustment shall be made on 1 January 2014.

(6) The amount set out in section 114(2) above shall be adjusted on 1 January each year at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. The amount shall be rounded to the nearest full amount divisible by 1,000.

(7) The amount set out in section 118(2) above shall be adjusted at 1 January each year at 2.0 per cent plus or less an adjustment percentage for the relevant fiscal year, cf. the Rate Adjustment Percentage Act. The amount so adjusted shall be rounded to the nearest full amount in DKK. The first such adjustment shall be made on 1 January 2006.

(8) The amount set out in section 120(2) above shall be adjusted on 1 January each year at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. The amount shall be rounded to the nearest full amount in DKK. The first such adjustment shall be made on 1 January 2006.

(9) Deductions and the maximum hourly payment, to be fixed under section 161(1) above, shall be adjusted on 1 January each year at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. Deductions shall be rounded to the nearest full amount divisible by 100. The maximum payment per hour shall be rounded to the nearest full amount in DKK.

(10) The amounts set out in sections 176 and 176a shall be adjusted on 1 January each year, the first time on 1 January 2013, at the rate adjustment percentage, cf. the Rate Adjustment Percentage Act. The amounts shall be rounded to the nearest DKK 10,000.

183.–(1) The calculation of the income basis under sections 114 and 161 above shall be effected by the Customs and Tax Administration on the basis of data for the latest full income year. The calculation shall be applied with effect from the second calendar year after the end of the income year.

(2) The provisions of the Tax Administration Act governing complaints against decisions about advance assessment of income shall apply correspondingly to complaints against decisions about income basis.

Part 32

Experimental provisions

184.–(1) The Minister for Social Affairs and the Interior may, upon recommendation from the municipal council, consent to the provision during a trial period of other services and facilities than those provided for under this Act.

(2) In addition, the Minister for Social Affairs and the Interior may, upon recommendation from the municipal council, for a trial period, approve arrangements deviating from the rules on assessment of eligibility, services and funding. Notwithstanding the aforesaid, no approval shall be granted for experimental arrangements involving special day-care and club facilities for children and young persons with substantial and permanent impairment of physical or mental function, cf. sections 32 and 36 above, which would result in any deviation from the general rules on parents' co-payment.

185.–(1) (Repealed)

Part 33

Agreement for the transfer of regional facilities

186.–(1) Under this Act, a municipal council may once during each election period take over regional facilities located in the municipality. A municipal council wanting to take over regional facilities under the first sentence hereof shall notify the regional council of this no later than on 1 January in the third year of the election period. Takeover shall take place no later than on 1 January in the fourth year of the election period.

(2) Takeover as specified in subsection (1) may, however, take place at other times when the takeover of a regional facility is pursuant to section 186a(1), subject to an order pursuant to section 13c(2). (3) At the request of the municipal council, the regional council shall prepare a draft agreement between the regional council and the municipal council.« (4) A municipal council taking over a facility under subsection (1) hereof shall be subject to the following terms and conditions: (i) The facility shall be available to other municipal authorities to the extent provided for in the framework agreement, cf. section 6 above.

(ii) The municipal council shall assume the obligation of the regional council to coordinate the capacity and composition of the most highly specialised national and regional facilities.

(5) The municipal council of the local municipality taking over a facility under subsection (1) hereof shall take over all assets and liabilities, rights and obligations, and the staff employed for the operation of the facility. If the values of assets and liabilities do not match, the municipal council taking over the regional facility, or the regional council, shall be compensated accordingly.

(6) The duties and rights provided for under the Act on Employees' Rights in the event of Transfer of Undertakings shall apply correspondingly to any staff members covered by subsection (5) hereof who are employed subject to a collective agreement, provisions on pay and working conditions laid down or approved by a public authority, or individual agreements, and who are not covered by the Act on Employees' Rights in the event of Transfer of Undertakings.

(7) Public servants who are transferred due to a municipal council taking over a regional facility under subsection (1) hereof shall be employed by the new employer authority subject to terms otherwise corresponding to the former terms of employment.

(8) On retirement from the said employment, public servants covered by subsection (7) hereof shall receive the aggregate public servants pension from the new employer authority.

(9) The Minister for Social Affairs and the Interior may lay down rules on the take-over of assets and liabilities, rights and obligations and employees of the facility under subsection (5) hereof, including rules on the distribution between the region and the municipality of location of pension commitments for public servants and other employees falling within subsection (5) hereof.

186 a.-(1) Subject to the announcement or request by the National Board of Social Services for renewed consideration pursuant to section 13b(2) and (3), and subject to the approval by the National Board of Social Services, a municipal council may take over other local and regional facilities under this Act.

(2) Subsection (1) shall apply correspondingly to the taking over by a region of local facilities and regional facilities in other regions under section 13b(2) and (3) of this Act.

(3) Where an order is issued to group several minor facilities pursuant to section 13c(2), a municipal council may take over other local and regional facilities under this Act.

(4) Subsection (3) shall apply correspondingly to the taking over by a region of local and regional facilities in other regions under section 13c(2) of this Act.

(5) Where facilities are taken over pursuant to subsections (1)-(4), section 186(2)-(9) shall apply.

187.-(1) Any municipal council in the region may request that any application from a municipal council in a municipality of location to take over a regional facility, cf. section 186(1) above, be considered by the contact committee.

(2) The contact committee shall discuss at least once during every election period whether any social facilities in the region could more appropriately be transferred to the responsibility of the authorities in the municipality of location.

188.-(1) (Repealed)

Part 34

Commencement and transitional provisions

189.-(1) This Act shall come into force on 1 January 2007.

(2) The Act on Social Services, cf. Consolidation Act No. 708 of 29 June 2004, shall be repealed.

(3) The provisions of sections 6 and 194 hereof shall come into force on 1 January 2006. The provisions of sections 190 and 191 hereof shall come into force on 1 July 2005.

(4) Any facility established prior to 1 January 2007 shall be registered in the Social Services Gateway before 1 April 2007, cf. section 14(2) hereof.

(5) The provision of section 179 shall be effective from the payment of advance reimbursement at the end of December 2006.

190.-(1) Any county facility to be taken over by a regional council on 1 January 2007 in pursuance of the other provisions of this Act shall, on 1 January 2007, be taken over by the municipal council of the municipality in which the facility will be located on 1 January 2007, provided the municipal council makes a binding decision on or before 15 February 2006 to take over the county facility and informs the county council accordingly. If the facility is to be taken over by a municipality which will be established on 1 January 2007, the binding decision referred to under the first sentence hereof shall be made by the amalgamation committee.

(2) The authority taking over the county facility shall take over all assets and liabilities, rights and obligations and staff employed for the operation of the facility. If the values of assets and liabilities do not match, the authority taking over the county facility, or the county council, shall be compensated accordingly. Assets and liabilities, rights and obligations and staff to be taken over in pursuance of the first and second sentences hereof shall be taken over separately in proportion to the distribution of assets and liabilities, rights and obligations as well as staff pursuant to the provisions of the Act on Certain Procedural Issues in connection with the Municipal Reform.

(3) Subject to consultation with the Minister for Social Affairs, the Minister for the Interior and Health may lay down rules governing the taking over of assets and liabilities, rights and duties as well as staff under subsection (2) hereof.

(4) Section 186(4) and (6)-(8) shall apply correspondingly where a county facility is taken over by a municipality of location under subsection (1) hereof.

191.-(1) The county council shall for each county facility draw up a statement of the assets and liability, rights and obligations as well as employees to be taken over by the authority taking over the county facility under section 190(2) above.

(2) On or before 1 January 2006, the county council shall draw up the statement referred to in subsection (1) hereof for the authorities to which the county council's duties and responsibilities will be transferred under the legislation pertaining to the municipal reform, with a view to reaching an agreement between the county council of the one part and the authorities to which the county council's duties and responsibilities will be transferred of the other part, specifying the assets and liabilities, the rights and obligations and the staff to be taken over by the authority taking over the county facility under section 190(2) above.

(3) The drawing up and presentation of the statement referred to in subsection (1) hereof and the conclusion of the agreement referred to in subsection (2) hereof shall be effected in connection with the drawing up and presentation of a draft agreement and conclusion of an agreement on the distribution of the county's remaining assets and liabilities, rights and obligations and staff. The statement referred to in subsection (1) hereof shall be drawn up and presented, and the agreement referred to in subsection (2) hereof shall be concluded in accordance with the provisions of Part 3 of the Act on Certain Procedural Issues in connection with the Municipal Reform.

(4) If the agreement referred to in subsection (2) hereof has not been concluded by 1 April 2006, or if one of the authorities referred to in subsection (2) hereof declares the negotiations closed without a result, an agreement shall be entered into, and the division council's proposed compromise and decision shall be adopted as to the assets and liabilities, rights and obligations and staff to be taken over by the authority taking over the county facility under section 190(2) above, in connection with the agreement, adoption and decision as to the distribution of the county authorities' remaining assets and liabilities, rights and obligations and staff. The agreement shall be entered into, and the division council's proposed compromise and decision as to the assets and liabilities, rights and obligations and staff to be taken over by the authority taking over the county facility under section 190(2) above shall be adopted in accordance with the provisions of Parts 3 and 4 of the Act on Certain Procedural Issues in connection with the Municipal Reform.

(5) Rules provided for in section 17 and Part 4 of the Act on Certain Procedural Issues in connection with the Municipal Reform shall apply unless the Minister for the Interior and Health decides otherwise, subject to consultation with the Minister for Social Affairs.

(6) Subject to consultation with the Minister for Social Affairs, the Minister for the Interior and Health may lay down rules governing the preparation and presentation by the county council of a statement under subsection (1) hereof and governing the conclusion of agreement, adoption of proposed compromise and the division council's decision as to the assets and liabilities, rights and obligations and staff to be taken over under subsection (2) hereof by the authority taking over the county facility. The Minister for the Interior and Health may thereby derogate from subsections (1)-(5) hereof and section 190 above.

192.-(1) The regional council and the municipal council shall operate the existing nursing homes and sheltered housing pursuant to the relevant provisions of the Social Assistance Act in force until now. However, the municipal authorities may not charge payment for special services, etc. relating to stays in nursing homes. The Minister for Social Affairs and the Interior shall by order lay down rules to that effect, including rules adapted to the rules governing housing for the elderly and care homes under the Act on Social Housing etc. and rules on protection against involuntary moves within a nursing home or sheltered housing facility.

192 a.-(1)The municipal council shall offer elderly persons in special need of accommodation in a nursing home, cf. section 192 above, or in a non-profit care home, cf. section 5(2) of the Act on Social Housing etc., such accommodation no later than two (2) months after admission to a waiting list.

(2) The availability guarantee under subsection (1) hereof shall not apply, however, where the person has chosen a specific nursing home or a specific non-profit care home under the provisions of section 58a of the Act on Social Housing etc.

(3) The Minister for Social Affairs and the Interior shall lay down rules on admission to waiting lists and time limits for offers of non-profit care home or nursing home accommodation.

193.-(1) (Repealed)

194.-(1) With effect from 1 January 2007, municipal councils shall take over facilities under section 67(1) above which have been established by the counties, thereby becoming parties to agreements for private facilities approved by the counties, but see subsection (2) hereof.

(2) A municipal council which, under subsection (1) hereof, takes over facilities under section 67(1) above, may agree in 2006 with the region's preparation committee, notwithstanding subsection (1) hereof, that the regional council on behalf of the municipality of location shall continue the operation of facilities under section 67(1) above after 1 January 2007 if such facilities are the property of the municipality of location. For municipalities established on 1 January 2007, agreements under the first sentence hereof may be entered into by the amalgamation committee.

195.-(1) With effect from 1 January 2007, the regional councils shall take over facilities under section 5(1) and (3) above which have been established by the counties, thereby becoming parties to agreements for private facilities approved by the counties within the region.

(2) Notwithstanding the aforesaid, the regional councils shall not assume responsibility for facilities, cf. section 5(1) and (3), established or approved by the municipalities of Copenhagen, Frederiksberg or Bornholm.

(3) With effect from 1 January 2007, the regional councils shall assume responsibility for facilities established under sections 5-6 of the former Act on Decentralisation of Care for the Mentally Deficient and other Special Care etc.

195 a. (Repealed).

95 b.The Minister for Social Affairs and the Interior shall present proposals for the amendment of section 32(6)-(9) hereof to the Danish Parliament in the 2015-16 parliamentary session at the latest.

196.-(1) This Act does not extend to the Faeroe Islands and Greenland.

(2) According to agreement with the home rule governments of the Faeroe Islands and Greenland, the Minister for Social Affairs and the Interior shall by order lay down rules on assessment of eligibility, payment and reimbursement as well as visiting trips etc. for persons taking up residence in Denmark at the instance of the social authorities of the Faeroe Islands or Greenland and receiving assistance under this Act. Likewise, rules may by order be laid down according to agreement for persons leaving Denmark to take up residence in the Faeroe Islands or Greenland at the instance of the Danish social authorities. Likewise, rules may by order be laid down according to agreement providing for a duty of notification between the social authorities of Denmark and Greenland and between the social authorities of Denmark and the Faeroe Islands.

(3) Any dispute arising between the social authorities of the Faeroe Islands or Greenland and the Danish social authorities relating to their duties and obligations under these provisions shall be settled by the National Social Appeals Board.

Act No. 550 of 26 May 2010 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 14, 136 and 148. The amendment concerns the connection between assessment powers and financing responsibility in the specialised social area.

3.

(1) This Act shall come into force on 1 August 2010.

(2)-(5) (Deleted)

4.

(1) In regard to children and young persons under 18 placed in care before 1 July 2003, the obligation to provide assistance under the Act on Social Services shall be taken over by the municipality that is liable to pay reimbursement pursuant to the third sentence of section 4(4) of Act No. 1168 of 19 December 2003 to amend the Act on Legal Protection and Administration in Social Matters and other Acts when the young person attains the age of 18 if the young person, in immediate continuation of the placement, obtains accommodation in any accommodation facility comprised by section 9(7) of the Act on Legal Protection and Administration in Social Matters, as stated in section 1(ii) of this Act.

(2)-(7) (Deleted)

Act No. 628 of 11 June 2010 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 11, 14, 44-46, 48-50, 52-54, 55-57b, 59, 62, 64-66, 68, 68 b, 69-76, 138, 140 142, 143, 148, 148 a, 151, 153, 153a, 160, 166 a, 167, 168 and 181. The legislative amendment concerns the Children's Reform)

4.

(1) This Act shall come into force on 1 January 2011.

(2) All cases pursuant to section 65 of the Act on Social Services pending before the social complaints boards and in which no decision has been made at the time of the commencement of the Act shall be completed by the National Social Appeals Board.

(3) With effect from 1 January 2011, the municipal council shall among its members appoint two (2) members of the children and young persons committee according to section 19(1)(i) of the Act on Legal Protection and Administration in Social Matters as stated in section 2(ii) of this Act. With effect from 1 January 2011, the state administration shall appoint one (1) educational-psychological expert for the children and young persons committee according to section 19(1)(iii) of the Act on Legal Protection and Administration in Social Matters as stated in section 2(iii) of this Act.

Act No. 629 of 11 June 2010 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 14, 17, 32, 52, 79a, 89, 101, 144, 148a, 151, 151 a, 161 and 166. The legislative amendment concerns debureaucratisation in the area for senior citizens, disabled people, etc.)

4.

(1) This Act shall come into force on 1 July 2010. Section 14(3), section 14(4), which will become subsection (5), section 52(3) (iv), section 101(4) and (5), and section 148a(1) and 5 of the Act on Social Services as stated in or amended by section 1(i), (iii), (vi), (x) and (xiii) of this Act, as well as the repeal of section 144 of the Act on Social Services, see section 1(xi) of this Act shall not enter into force until 1 January 2011.

(2) Section 14(3) of the Act on Social Services as stated in section 1(i) of this Act shall not apply to private facilities approved on 1 January 2011 pursuant to section 144 of the Act on Social Services.

(3) All cases concerning assistance pursuant to sections 83 and 84 of the Act on Social Services pending before the complaints council pursuant to the former sections 34-36 of the Act on Legal Protection and Administration in Social Matters and in which no recommendation has been made to the municipal council by 30 June 2010 shall be returned to the municipal council.

(4) (Deleted)

Act No. 1613 of 22 December 2010 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 42 and 182. The legislative amendment concerns the ceiling on the benefits for loss of earnings)

2.

(1) This Act shall come into force on 1 January 2011.

(2) Applications for compensation for loss of earnings under section 42 of the Act on Social Services filed before the commencement of the Act shall be processed according to the former rules.

(3) For persons having received compensation for loss of earnings during 2010, the benefits shall, notwithstanding the first and second sentence of section 42(2) as stated in section 1(i) of this Act, be determined according to the former rules.

Act No. 1614 of 22 December 2010 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 112 and 182. The legislative amendment concerns a reduction of the subsidy for hearing aids).

2.

(1) This Act shall come into force on 1 January 2011.

(2) Applications for subsidies for hearing aids under section 112(5) of the Act on Social Services filed before the commencement of the Act shall be processed according to the previously applicable rules.

Act No. 153 of 26 February 2011 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 123d and 167. The legislative amendment concerns alarm or paging systems for children and young persons with impaired mental function placed in residential institutions or accommodation facilities)

2.

This Act shall come into force on 1 March 2011.

3.

Proposal for the amendment of section 123 d of the Act shall be presented to the Danish Parliament in the 2013-2014 parliamentary session at the latest.¹⁾

Act No. 595 of 18 June 2012 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 69, 142, 167, 168 and 170. The legislative amendment concerns the responsibility for supplementary training and supervision of foster families and party status for 12-14 year-olds in judicial reviews of cases concerning special support to children and young persons etc.)

2.

(1) This Act shall come into force on 1 July 2012.

(2) Section 1(vi) shall apply to cases which the National Social Appeals Board reviews on its own initiative after commencement of the Act.

(3) Section 1(vii) shall apply to cases brought before the courts after commencement of the Act.

Act No. 596 of 18 June 2012 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 1, 138, 174, 176, 176a and 182. The amendment concerns the inclusion of vocational and financial considerations, the determination of service levels, reimbursement for particularly expensive individual cases, settlement deadlines and the assignment of higher priority to the presence of legal experts on the social complaints boards, etc.)

3.

This Act shall come into force on 1 September 2012.

4.

(1) Section 1(v) and section 2(i) shall apply only to assistance under the Act on Social Services provided after the commencement of the Act.

(2) (Deleted)

Act No. 597 of 18 June 2012 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 13, 49a, 64, 76, 140, 152 and 196. The legislative amendment concerns the strengthening of efforts in relation to children and young people in need of special support)

2.

(1) This Act shall come into force on 01 July 2012.

(2) Section 1(xii) applies to notifications made after commencement of the Act.

Act No. 1380 of 23 December 2012 contains the following commencement provision. (The legislative amendment pertains to sections 100 and 182. The amendment concerns the reform of anticipatory pension and flexible working arrangements, including the introduction of resource-clarifying processes, rehabilitation teams, flexjob subsidies, etc.)

21.

(1) This Act shall come into force on 1 January 2013, but see subsections (2)-(6) and (8) below.

(2) The Minister for Employment shall determine the time for commencement of section 1(xlviii) as well as section 75(1)(vi) and section 77(2) and (3) of the Act on an Active Social Policy as stated in section 3(xx).

(3) Persons having received unemployment benefits before commencement of subsection (2) shall no later than 3 months after the commencement have added their CV in Jobnet and have a CV interview.

(4) The Minister for Employment shall determine the time for commencement of section 70g of the Act on Active Employment Measures as stated in section 1(xli) and section 1(xlix)-(li).

(5) Section 25a(4)(iv), sections 25b-25d and section 25e(1) and (2) of the Act on the Responsibility and Control of Active Employment Measures as stated in section 28(iv) of this Act on cooperation between the municipality and the region on health professional counselling and assessment takes effect on 1 July 2013. A municipality and a region may decide to enter into a cooperation agreement on professional health counselling and assessment to the municipality from a clinical function in the region as mentioned in sections 25b-25d which takes effect from a time prior to 1 July 2013. Until a cooperation agreement has been concluded, the municipality must ensure that the rehabilitation team has a professional health representative to undertake a health coordinating function with professional health counselling in the team, including contribution to the recommendation of the rehabilitation team.

(6) The Minister for Employment shall determine the time for commencement of the amendments to section 62(1), section 63, section 66(2) and section 68a(12) and (13) of the Act on the Responsibility and Control of Active Employment Measures as stated in section 2(vi)-(viii) and (x) of this Act.

(7) Instead of notifying the taxpayer of payment of tax at the same time as the contribution, see the fourth sentence of section 23(1), ATP may notify the taxpayer of payment of tax in connection with the final statement of the supplementary labour market pension for recipients of anticipatory pension in the annual pension statement. The first sentence is effective from 1 January 2013 to 30 June 2013.

(8) (Deleted)

Act No. 1400 of 23 December 2012 contains the following commencement provision. (The legislative amendment pertains to sections 112 and 182. The legislative amendment concerns the bringing together of the hearing aid area under the Danish Health Act and changed subsidy for hearing aids)

3.

(1) This Act shall come into force on 1 January 2013.

(2) For applications for subsidies for hearing aids under section 112(5) of the Act on Social Services filed before the commencement of the Act, the former rules shall apply.

Act No. 326 of 23 March 2013 contains the following commencement provision. (The legislative amendment pertains to sections 91, 92, 93 and 94b. The legislative amendment concerns the planning by the municipal council of the citizens' free-choice of home care provider and free-choice certificate scheme)

3.

(1) This Act shall come into force on 1 April 2013.

(2) Citizens who have opted for a free-choice certificate scheme pursuant to section 94b of the Act on Social Services before commencement and who have engaged a person or concluded an agreement with a business enterprise on the performance of such assistance may continue with this scheme until and including 30 September 2013 according to the former section 94b.

Act No. 495 of 21 May 2013 contains the following commencement provision. (The legislative amendment pertains to sections 65 a, 66, 67, 72, 74, 123a, 123b, 137e, 137f, 137g, 137h, 137i, 137j, 137k, 137l, 137m and 167. The amendment concerns crime-preventing social measures)

3.

(1) This Act shall come into force on 1 July 2013, but see subsection (2).

(2) The time of the commencement of section 1(i) and (ii) shall be determined by the Minister for Social Affairs and the Interior.²⁾

Act No. 496 of 21 May 2013 contains the following commencement provision. (The legislative amendment pertains to sections 19, 48, 48a, 49b, 50, 50a, 50b, 50c, 51, 57c, 58, 59, 68c, 71, 72, 153, 155, 155a, 155b, 181, 195a and 196. The legislative amendment concerns the protection of children and young persons against abuse etc.)

2.

(1) This Act shall come into force on 1 October 2013, but see subsection (2).

(2) Section 1(xiii) and (xxvi) shall come into force on 1 July 2013.

(3) The municipal council may decide that the children's house to which the municipality is connected pursuant to section 50a(1) of the Act on Social Services as stated in section 1(vii) of this Act shall be used, at the time of commencement of the Act, for a planned child protection examination pursuant to section 50 of the Act on Social Services of a child or a young person who have been exposed to abuse or in the event of suspicion of such abuse.

Act No. 622 of 12 June 2013 contains the following commencement provision. (The legislative amendment pertains to section 112a. The legislative amendment concerns the transition to mandatory digital self-service for citizens in respect of application for financially aided place subsidy, choice of doctor, application for naming and name change, filing of paternity declaration, reporting a bicycle stolen, etc.)

17.

(1) This Act shall come into force on 1 December 2013.

(2) The Act shall apply only to applications, reports, requests, notifications and declarations filed after commencement of the Act.

Act No. 1462 of 17 December 2013 contains the following commencement and transitional provisions. (The legislative amendment pertains to sections 50, 55, 66a, 68, 76, 76a, 140, 160, 167, 176a. The legislative amendment concerns the possibility of upholding placement of young persons with functional impairment aged 18 to 22 and an amendment of the rules on the responsibility for ensuring supervision and supplementary training of foster families etc.)

4.

This Act shall come into force on 1 January 2014.

5.

(1) In regard to children and young persons under 18 placed in care before 1 July 2003, the obligation to provide assistance under the Act on Social Services shall be taken over by the municipality that is liable to pay reimbursement pursuant to the third sentence of section 4(4) of Act No. 1168 of 19 December 2003 to amend the Act on Legal Protection and Administration in Social Matters and other Acts when the young person attains the age of 18 if, in immediate continuation of the placement, the stay of a young person with a foster family is extended pursuant to section 76a of the Act on Social Services as stated in section 1 (viii) of this Act. The municipality shall still be obliged to provide assistance under the Act on Social Services if, in immediate continuation of the stay with the foster family pursuant to section 76a of the Act on Social Services as stated in section 1(viii) of this act, the young person has obtained accommodation in any accommodation facility comprised by section 9(7) of the Act on Legal Protection and Administration.

(2) If the municipal council which, pursuant to the first sentence of subsections (1) hereof, is required to take over the obligation to provide assistance under the Act on Social Services, was not the residential municipality of the young person immediately prior hereto, the municipal council may decide, before the young person attains the age of 18, with due consideration being given to the circumstances of the person concerned and for administrative purposes, not to take over the obligation to provide assistance under the Act on Social Services to the person concerned. The decision mentioned in the first sentence hereof not to take over the obligation to provide assistance may be brought before the National Social Appeals Board pursuant to Part 10 of the Act on Legal Protection and Administration in Social Matters.

Act No. 1632 of 26 December 2013 contains the following commencement provision. The legislative amendment pertains to section 12a. The legislative amendment concerns counselling and action plans for adults who are victims of honour-related conflicts)

2.

(1) This Act shall come into force on 1 January 2014.

(2) The Act applies to citizens who contact the municipality with honour-related conflicts after commencement of the Act.

Act No. 1633 of 26 December 2013 contains the following commencement provision. (The legislative amendment pertains to section 3. This legislative amendment concerns an amending provision.

2.

This Act shall come into force on 1 January 2014.

Act No. 737 of 25 June 2014 contains the following commencement provision. (The legislative amendment pertains to section 171. The legislative amendment concerns an amendment of the rules of processing of civil cases and expert opinions, increase in amounts for appeals, introduction of part-time scheme for judges etc., media advertising of foreclosure sales, enforcement of digital loan documents, written processing of an appeal in criminal cases with concordant evidence, etc.)

12.

(1) This Act shall come into force on 1 July 2014, but see subsection (2).

(2) (Deleted)

(3) Section 1(xxix), (liv)-(lxvi), (lxviii)-(lxii), (lxxiv), (lxxv) and (lxxxii)-(lxxxvi), section 3(ii), section 5 and section 11 shall only apply to decisions made by the court after commencement of the Act. For decisions made by the court before commencement of the Act, the rules previously in force shall apply.

(4) (Deleted)

13.

(1) This Act shall not extend to the Faroe Islands and Greenland, but see subsections (2)-(4) below.

(2)-(4) (Deleted)

Act No. 722 of 25 June 2014 contains the following commencement provision. (The legislative amendment pertains to sections 5, 13, 13b, 13c, 149, 174, 186, 186a, 190 and 195. The legislative amendment concerns follow-up on the evaluation of the Local Government Reform concerning the most specialised social area and the most specialised special education, etc.).

12.

(1) This Act shall come into force on 1 July 2014, but see subsections (2) and (3) below.

(2) Section 1(xi) and (xii), shall come into force on 1 January 2015.

(3) The Minister for Social Affairs and the Interior shall determine the time for commencement of section 1(vi).

Act No. 1524 of 27 December 2014 contains the following commencement provision. (The legislative amendment pertains to sections 83, 83a, 88, 89, 90, 151 and 161. The legislative amendment concerns rehabilitation programmes and home care services, etc.)

2.

(1) This Act shall come into force on 1 January 2015.

(2) For persons who, on 1 January 2015, have already been granted assistance under section 83 of the Act on Social Services, section 85(5), as stated in section 1(i), and section 1(ii) of this Act shall apply the first time the assistance under section 83 is reviewed, however, not later than on 1 January 2017.

Act No. 1526 of 27 December 2014 contains the following commencement provision. (The legislative amendment pertains to sections 41, 66a, 155b, 156 and 182. The legislative amendment concerns a simplification of the assessment system and a specification of the scope of application for the extra cost subsidies for children with functional impairment or serious illness etc.)

2.

(1) This Act shall come into force on 1 January 2015.

(2) By 1 January 2016, the municipal council shall have recalculated all cases concerning extra cost subsidies for children where subsidies are paid according to the previously applicable rules.

(3) Complaints to the National Social Appeals Board against decisions on reimbursement of costs to network foster families made during the period from 1 January to 31 December 2014 can be made within 4 weeks after commencement of the Act.

Act No. 527 of 29 April 2015 contains the following commencement provision. (The legislative amendment pertains to section 129. The legislative amendment concerns free access to the nursing home market, abolition of requirements for new calls for tenders, change of the billing system, negative pledges, simplification of the private care dwelling scheme, etc.)

5.

This Act shall come into force on 01 July 2015.

Act No. 529 of 29 April 2015 contains the following commencement and transitional provision. (The legislative amendment pertains to sections 52, 66, 66a, 69, 72, 74, 75 and 167. The legislative amendment concerns professional support to foster families etc., a change of the decision-making authority in cases on change of placement facility and lowering of the age for consent in decisions for a change of placement facility, etc.)

3.

(1) This Act shall come into force on 1 October 2015.

(2) The Act shall not apply to cases pending under section 69(3) and (4) under the Act on Social Services before the children and young persons committee or the National Social Appeals Board on commencement of the Act. For such cases, the previously applicable rules shall apply.

Act No. 530 of 29 April 2015 contains the following commencement provision. (The legislative amendment pertains to sections 13, 68d - 68h and 74. The legislative amendment concerns a relaxation of the conditions for adoption without consent etc.)

5.

(1) This Act shall come into force on 1 October 2015.

(2) (Deleted)

6.

(1) This Act does not extend to the Faeroe Islands and Greenland [...].

(2) (Deleted)

Act No. 649 of 18 May 2015 contains the following commencement provision. (The legislative amendment pertains to sections 5, 101a and 141. The legislative amendment concerns offers for anonymous, outpatient treatment for drug misusers etc.)

3.

This Act shall come into force on 1 July 2015.

Act No. 650 of 18 May 2015 contains the following commencement provision. (The legislative amendment pertains to sections 109 and 110. The law amendment concerns the improved and strengthened activities for women at crisis centres and the duty of information for crisis centres for women, reception centres and shelters, etc.)

2.

This Act shall come into force on 1 July 2015.

Ministry of Social Affairs and the Interior, 8 September 2015

For the Minister HANS B. THOMSEN

/ Anita Hørby

1) In section 3 of Act No. 1633 of 26 December 2013, »2013-14« is changed to: »2015-16«. 2) Section 1(i) has been repealed by section 11(i) of Act No. 722 of 25 June 2014, but has been re-enacted in section 1(vi), of Act No. 722 of 25 June 2014.