

REPUBLIC OF LITHUANIA
LAW
AMENDING THE LAW ON SOCIAL ASSISTANCE PENSIONS

29 November 1994 No. I-675

Vilnius

(New version of 20 January 2004 No. IX-1966)

(As amended by 17 March 2005 No. X-137)

Article 1. New Version of the Law of the Republic of Lithuania on Social Assistance Pensions

The Law of the Republic of Lithuania on Social Assistance Pensions shall be revised and set forth to read as follows:

„REPUBLIC OF LITHUANIA
LAW
ON STATE SOCIAL ASSISTANCE BENEFITS

CHAPTER I
GENERAL PROVISIONS

Article 1. Objective, Purpose and Scope of the Law

1. The objective of this Law shall be to set state social assistance benefits for the persons specified in this Law to whom the state assistance is provided because of their disabilities, age or other reasons laid down in this Law.

2. This Law shall set out the types of state social assistance benefits (hereinafter referred to as “social assistance benefits”), financial sources of such benefits, persons entitled to social assistance benefits, conditions and procedure for granting and paying such benefits.

3. This Law shall apply to the persons permanently residing in the Republic of Lithuania.

4. Citizens of the Republic of Lithuania whose data on the place of residence in the Republic of Lithuania or data on the municipality in which they live if they have no place of residence have been entered into the Register of Residents of the Republic of

Lithuania or aliens who permanently reside in the Republic of Lithuania shall be regarded as persons permanently residing in the Republic of Lithuania.

Article 2. Main Definitions Used in this Law

1. **“Guardianship, educational and nursing institutions“** means stationary social care institutions and institutions of the educational system, regardless of the name, jurisdiction and sources of financing of such institutions, as well as nursing hospitals of the institutions of the personal healthcare system.

2. **“Disabled persons”** means persons to whom Group I, II or III disability is established in accordance with the procedure laid down by the Law on the Social Integration of the Disabled.

3. **“Nursing of disabled persons at home”** means nursing of disabled children and disabled persons at their own home, the home of their parents (adopters), guardians or curators. Disabled children and disabled persons placed or nursed in guardianship, educational or nursing institutions which are partly or entirely financed from the state or municipal budgets, shall not be regarded as being nursed at home. Disabled children and disabled persons treated in stationary healthcare institutions, sanatoria, rehabilitation centres or other institutions of the personal healthcare system, except the nursing hospitals of such institutions, or receiving social services in non-stationary social care institutions, shall be regarded as being nursed at home.

4. **“Permanent nursing”** when it is determined by the findings of the institutions establishing disability referred to in the Law on the Social Integration of the Disabled that a disabled child or a disabled person needs permanent nursing or care because of the disorders of his bodily functions, or constant assistance in managing personal and social life.

5. **“Pensions and pension benefits”** means state social insurance pensions, state pensions, compensation for special working conditions, signatory’s state annuity, state annuity of signatory’s orphans and annuity of orphans, annuity of artists, monthly benefit of professor emeritus, etc., paid from the budget of the State Social Insurance Fund or the state budget, pension benefits granted in pursuance of the Law on Accumulation of Pensions and the Law on Additional Voluntary Accumulation of Pensions, pensions of foreign states.

6. **“Social assistance benefits”** means monthly cash benefits granted and paid under the conditions and according to the procedure set by this Law to disabled children,

disabled persons, persons who have reached the retirement age (hereinafter referred to as the “retirement age”) established by the Law on State Social Insurance Pensions, orphaned children, and other persons referred to in this Law.

7. **“Disabled children”** means persons who, according to the procedure established by the Law on the Social Integration of the Disabled, are recognised as disabled children and to whom a level of disability (severe, moderate or mild disability) is established.

8. **“Persons with total disability”** means disabled children and disabled persons who, in accordance with the procedure established by the Law on the Social Integration of the Disabled, are recognised as having total disability because their physical or mental disability completely limits the possibility for them to orient, move, work, integrate and be economically independent.

Article 3. Types of Social Assistance Benefits

1. The following social assistance benefits shall be established in the Republic of Lithuania:

- 1) social assistance pensions;
- 2) orphan’s social assistance pension;
- 3) targeted compensations for nursing expenses;
- 4) nursing allowances;
- 5) relief compensations.

2. The following social assistance benefits granted prior to the entry into force of this Law shall be paid in the Republic of Lithuania:

- 1) social assistance pensions for nursing disabled persons at home;
- 2) social pensions.

Article 4. Source of Payment of Social Assistance Benefits

Social assistance benefits set by this Law shall be paid with funds of the state budget.

CHAPTER II SOCIAL ASSISTANCE PENSIONS

Article 5. Persons Entitled to the Social Assistance Pension

The following persons shall be entitled to receive social assistance pension under the conditions laid down in Article 6 of this Law:

1) disabled children;

2) disabled persons recognised as disabled before the day (inclusive) they reach the age of 24, as well as persons who, because of the effects of a sickness or injury suffered before the age of 24, have been recognised as disabled after they reached the age of 24, but not later than before the day (inclusive) they reach the age 26;

3) parents (adopters), guardians or curators who have reached the retirement age or have been recognised as persons with Group I or II disability who nursed at home the disabled children for not less than 15 years, persons with Group I or II disability since childhood or who became disabled of Group I or II before the age of 18, as well as disabled persons with total disability. Social assistance pension for nursing one disabled person may be granted only to one person;

4) mothers who gave birth to and brought up five or more children until they reached the age of 8 and who reached the retirement age or who have been recognised as persons with Group I or II disability;

5) persons who have reached the retirement age or have been recognized as persons with Group I or II disability, with the exception of the persons referred to in subparagraphs 2-4 of this Article.

Article 6. Conditions for Granting and Payment of Social Assistance Pensions

1. Social assistance pensions shall be granted and paid to the persons who are not entitled to the pensions and (or) pension benefits referred to in paragraph 5 of Article 2 of this Law, except for:

1) the persons referred to in subparagraphs 1 and 2 of Article 5 of this Law who, together with social assistance pensions, are entitled to state social insurance orphan's or widow's pensions and (or) orphan's state pensions;

2) persons referred to in subparagraphs 3 and 4 of Article 5 of this Law who, together with social assistance pensions, are entitled to state social insurance widow's pensions;

3) the cases set out in paragraphs 2 and 3 of Article 19 of this Law.

2. The persons who are entitled to several social assistance pensions or a social assistance pension and relief compensation, shall be paid only one of the said social assistance benefits of their choice. Only the social assistance pension for nursing a

disabled person at home may be paid together with a social assistance pension or relief compensation due to the person himself.

Article 7. Amounts of Social Assistance Pensions

Social assistance pensions shall be in the following amounts:

1) for the persons referred to in subparagraph 1 of Article 5 of this Law, to whom severe disability is established – in the amount equal to 2 basic pensions of the state social insurance (hereinafter referred to as a “basic pension”), moderate disability – in the amount equal to 1.5 basic pensions, mild disability – in the amount of 1 basic pension;

2) for the persons referred to in subparagraph 2 of Article 5 of this Law who have been recognised as persons with Group I disability – in the amount equal to 2 basic pensions, as persons with Group II disability – in the amount equal to 1.5 basic pensions, as persons with Group III disability – in the amount equal to 0.75 basic pension;

3) for the persons referred to in subparagraphs 3 and 4 of Article 5 of this Law recognised as persons with Group I disability – in the amount equal to 1.5 basic pensions, who reached the retirement age or recognised as persons with Group II disability – in the amount equal to 1 basic pension;

4) for the persons referred to in subparagraph 5 of Article 5 of this Law recognised as persons with Group I disability – in the amount equal to 1 basic pension, who reached the retirement age or recognised as persons with Group II disability – in the amount equal to 0.9 basic pension.

CHAPTER THREE

ORPHAN’S SOCIAL ASSISTANCE PENSIONS

Article 8. Persons Entitled to Receive an Orphan’s Social Assistance Pension

1. The right to receive a social assistance pension under the conditions set out in Article 9 of this Law shall belong to the following children (adopted children) of a deceased person or a person declared dead in the manner prescribed by law:

1) those aged under 18;

2) those aged between 18 and 24 who are full-time pupils or students of establishments of secondary, vocational, post-secondary or higher education, registered in the prescribed manner;

3) those aged 18 who were recognised as disabled persons before the day (inclusive) they reached age 18.

2. The orphans who have lost both parents (adopters) shall be granted orphan's social assistance pensions for each deceased parent (adopter). The children (adopted children) of a deceased person, who are entitled to receive an orphan's social assistance pension, shall retain such right even after their adoption.

Article 9. Conditions for Granting and Payment of Orphan's Social Assistance Pensions

1. Orphan's social assistance pensions shall be granted and paid to the persons who are not entitled to the pensions and (or) pension benefits specified in paragraph 5 of Article 2 of this Law.

2. Orphan's social assistance pensions shall be granted and paid regardless whether or not a person receives social assistance benefits specified in this Law, except relief compensations and social pension granted for that deceased breadwinner in respect of whom the person is entitled to receive the orphan's social assistance pension.

3. Orphan's social assistance pensions shall be granted and paid despite the fact that the deceased or the person declared dead in the manner prescribed by law, whose children (adopted children) are entitled to receive the orphan's social assistance pension, was not a permanent resident of the Republic of Lithuania before the death or the declaratory judgement of death.

Article 10. Amount of Orphan's Social Assistance Pensions

The orphan's social assistance pension shall be granted and paid in the amount equal to 0.5 basic pension to each child. When 4 or more children (adopted children) of a deceased person have the right to receive such pension, the orphan's social assistance pension in the amount equal to 1.5 basic pensions shall be granted and paid to all children (adopted children) of the deceased person in equal shares.

CHAPTER FOUR

TARGETED COMPENSATIONS FOR NURSING EXPENSES

Article 11. Persons Entitled to Receive Targeted Compensations for Nursing Expenses

The following persons shall be entitled to receive targeted compensations for nursing expenses:

1) disabled children to whom severe or moderate disability is established, regardless of whether or not the necessity of permanent nursing is established for them;

2) persons with Groups I and II disability who became disabled before the day (inclusive) they reached the age of 24, as well as the persons who because of the effects of a sickness or injury suffered before the age of 24, have been recognised as disabled after they reached age 24, but not later than before the day (inclusive) they reach 26 – provided that the necessity of permanent nursing is established for them.

Article 12. Amounts of Targeted Compensations for Nursing Expenses

The amounts of targeted compensations for nursing expenses shall be as follows:

1) to disabled children to whom severe disability is established and to persons with Group I disability – in the amount equal to 1 basic pension;

2) to disabled children to whom moderate disability is established and to persons with Group II disability – in the amount equal to 0.5 basic pension.

CHAPTER FIVE NURSING ALLOWANCES

Article 13. Persons Entitled to Receive Nursing allowances

Persons with total disability when they are nursed at home or placed, or nursed in guardianship, educational or nursing institutions which are not entirely or partly financed from the state or municipal budgets, shall be entitled to receive nursing allowances.

Article 14. Amounts of Nursing allowances

Nursing allowances shall be granted and paid in the following amounts:

1) from the entry into force of this Law until 30 June 2004 – in the amount equal to 1 basic pension;

2) from 1 July 2004 until 31 December 2004 – in the amount equal to 1.25 basic pensions;

3) from 1 January 2005 – in the amount equal to 1.5 basic pensions.

CHAPTER SIX

RELIEF COMPENSATIONS

Article 15. Persons Entitled to Receive Relief compensation

The following persons shall be entitled to receive relief compensation under the conditions laid down in Article 16 of this Law:

1) parents (adopters) who for not less than 10 years preceding 1 January 1995 nursed at home the disabled children or children with Group I or II disability since childhood or who became disabled of Group I or II before the age of 18;

2) mothers who before 1 January 1995 gave birth to five or more children and brought up them until they reached the age of 8.

Article 16. Conditions for Granting and Payment of Relief compensations

1. Relief compensations shall be granted and paid to the persons indicated in Article 15 of this Law when they reach age, which is five years less than the retirement age, or are recognised as persons with Group I or II disability.

2. Relief compensations shall be paid until their recipients become entitled to receive the pensions and (or) pension benefits referred to in paragraph 5 of Article 2 of this Law, with the exception of the state social insurance widow's pension. If a recipient of the relief compensation does not become entitled to receive any of the pensions and (or) pension benefits referred to in paragraph 5 of Article 2 of this Law, except the state social insurance widow's pension, the relief compensation shall be paid to him as long as he is a person with Group I or II disability (for those who reached the retirement age – for term of life).

3. Relief compensations shall be paid regardless of whether or not a person receives the state social insurance widow's pension.

4. Only one of the parents (adopters) shall be granted and paid the relief compensation for the same disabled person nursed at home. When a person nursed several disabled persons at home, only one relief compensation shall be granted and paid to such person.

5. At the choice of the persons entitled to receive several relief compensations, one relief compensation shall be granted and paid to the said persons.

Article 17. Amount of the Relief compensation

The relief compensation shall be in the amount equal to 1.5 basic pensions.

CHAPTER SEVEN
PROCEDURE FOR GRANTING AND PAYING
SOCIAL ASSISTANCE BENEFITS

Article 18. Institutions Granting and Paying Social Assistance Benefits

Social assistance benefits shall be granted and paid by municipal administrations in pursuance of the regulations concerning state social assistance benefit granting and payment approved by this Law and the Government.

Article 19. Procedure for Granting and Paying Social Assistance Benefits

1. Social assistance benefits shall be granted and paid according to the place of residence in the Republic of Lithuania of the persons entitled to receive such benefits.

2. To the persons who are entitled to receive the pension and (or) pension benefit referred to in paragraph 5 of Article 2 of this Law, the amount of which (the total sum thereof) is equal to or is less than the social assistance pension, orphan's social assistance pension or relief compensation, the latter social assistance benefits shall not be granted and paid as long as the person receives the pension and (or) pension benefit, with the exception of the case laid down in paragraph 3 of this Article.

3. To the persons, referred to in subparagraph 5 of Article 5 of this Law, who are entitled to receive the pension and (or) pension benefit specified in paragraph 5 of Article 2 of this Law, the amount of which (the total sum thereof) is less than the social assistance pension, shall be paid the difference of the social assistance pension and the pension and (or) pension benefit specified in paragraph 5 of Article 2 (the total sum thereof).

4. Social assistance benefits shall be granted and paid regardless of whether or not their recipients are the persons specified in subparagraphs 1-9 of paragraph 1 of Article 2 of the Law on State Social Insurance Pensions, as well as farmers and their partners whose status is regulated by the Law on the Farmer's Farm, with the exception of the case referred to in paragraph 5 of this Article.

5. Social assistance benefits shall not be granted and paid to the persons specified in subparagraph 5 of Article 5 of this Law, provided they are the persons referred to in subparagraphs 1-6, 8 or 9 of paragraph 1 of Article 2 of the Law on State Social Insurance Pensions, as well as farmers and their partners whose status is regulated by the Law on the Farmer's Farm.

6. Social assistance pensions to the persons referred to subparagraph 4 of Article 5 of this Law and relief compensations to the persons referred to in subparagraph 2 of Article 15 of this Law shall be granted and paid only in the case if the children borne to them and brought up by them until the age of 8 have not been taken care in infants' homes or other guardianship, educational or nursing institutions, and if parental authority has not been restricted for the mother in the manner prescribed by law (she has not been deprived of the maternity right or the right of upbringing of children, or parental rights have not been restricted for the mother).

7. Targeted compensations for nursing expenses and nursing allowances shall be granted and paid regardless of the pensions and (or) pension benefits, social assistance benefits as well as other income received by the recipients of the above-mentioned social assistance benefits.

8. It shall be possible to apply for the granting of social assistance benefit three months prior to the appearance of the right to receive such benefit or at any time after the appearance of the right to receive such benefit.

9. When applying for social assistance benefits, it shall be necessary to submit all the documents necessary in order to grant social assistance benefits, which are specified in the regulations concerning state social assistance benefit granting and payment.

10. The municipal administration must, through the time limits laid down in the regulations concerning state social assistance benefit granting and payment, make a decision to grant social assistance benefits or to refuse to grant them, and to inform in writing the applicant about this.

11. Social assistance benefits shall be granted and paid to the persons who are entitled to receive such benefits, with the exception of the following cases:

1) social assistance benefits granted to the persons aged under 18, shall be paid to one of the disabled child's (adopted child's) parents (adopters), guardians or curators;

2) orphan's social assistance pensions granted to the deceased person's children (adopted children) aged under 18 may be paid to one of the child's (adopted child's) parents (adopters), guardians or curators;

3) social assistance benefits granted to the persons aged 18 for whom, in the manner and cases laid down by law, guardians or curators have been appointed, shall be paid to the said guardians or curators.

12. The amount of social assistance benefits, which has not been timely received through the fault of the municipal administration, shall be paid for the whole previous period.

13. The person who has been granted a social assistance benefit shall be issued a certificate of a recipient of the social assistance benefit the form of which is set and approved by an institution authorised by the Government. When several social assistance benefits are granted to a person, a single certificate shall be issued to that person.

14. Social assistance benefits shall be adequately increased each time the new amount of a basic pension is approved, except for the case provided for in paragraph 5 of Article 26 of this Law.

15. A recipient of the social assistance benefit or one of his parents (adopters), guardian or curator must inform the municipal administration about the circumstances affecting the amount or payment of the social assistance benefit within 10 days from the occurrence of these circumstances. The municipal administration must inform a recipient of the social assistance benefit or one of his parents (adopters), guardian or curator which circumstances affect the payment of these benefits. If a recipient of the social assistance benefit or one of his parents (adopters), guardian or curator does not inform in due time the municipal administration about the said circumstances and the benefit is overpaid because of that, the overpaid amount shall be recovered from the recipient by the decision of the director of the municipal administration.

Article 20. Terms of Granting and Payment of Benefits

1. Social assistance benefits shall be granted and paid from the appearance of the right to receive social assistance benefit, however, not longer than for the last 12 months preceding the submission of all the documents relating to the granting of social assistance benefit to the municipal administration.

2. The date of appearance of the right to receive the social assistance benefit shall be the date when:

1) a person is recognised as a disabled child for the first time and severe, moderate or mild disability is established for him;

2) severe, moderate or mild disability is established for a child already recognised as disabled;

3) a person is recognised as a person with Group I, II or III disability;

4) a person is recognised as a person with total disability;

5) a person reaches the retirement age or the age which is 5 years less than the retirement age;

6) a person whose child (children) is entitled to the orphan's social assistance pension, dies;

7) necessity of permanent nursing is established for a disabled person;

8) circumstances provided for in this Law arise which affect the granting and payment of social assistance benefits.

3. Social assistance benefits shall be granted for a period of time for the length of which a recipient of the social assistance benefit retains the right to receive it. The municipal administration must one month in advance inform a recipient of the social assistance benefit about the expiry of the term of granting of the social assistance benefit. The right to receive the social assistance benefit shall be retained by:

1) the persons whose right to receive the social assistance benefit depends on their disability or severe, moderate, mild or total disability, and the necessity of permanent nursing – accordingly as long as such persons are disabled or until the expiry of the validity of the findings regarding their disability or the necessity of permanent nursing, issued by the institutions establishing disability, specified in the Law on Social Integration of the Disabled;

2) the persons whose right to receive the social assistance benefit depends on their retirement age – for term of life;

3) orphans aged under 18 – until they reach the age of 18;

4) orphans whose right to receive the orphan's social assistance pension depends on whether or not they study – as long as they continue studying, but not longer than until they reach the age of 24;

5) until other circumstances provided for in this Law appear because of which the persons lose the right to receive the social assistance benefit temporarily or permanently;

6) until the person appointed as a guardian or curator in the manner prescribed by law is relieved of his duties or removed.

4. When a different group of disability (level) is established for a recipient of the social assistance benefit and, therefore, the amount of the social assistance benefit due to him changes or when Group I disability is established for a recipient of the social assistance pension who has reached the retirement age, social assistance benefit in a new amount shall be started to be paid:

- 1) when a more severe group (level) of disability is established for a disabled person (disabled child) – from the date of change of a group (level) of disability;
- 2) when a milder group (level) of disability is established for a disabled person (disabled child) – from the first day of the month following the month when a milder group (level) of disability is established;
- 3) when Group I disability is established for a person who has reached the retirement age – from the date of the establishment of Group I disability.

Article 21. Procedure for Terminating and Extending the Payment of Social Assistance Benefits

1. The payment of social assistance benefit shall be terminated from the first day of the month following the month when the term of granting of social assistance benefit expires. If the right to receive the social assistance benefit is retained by a person, but he applies for the payment of such benefit behind time due to the justified reasons, the social assistance benefit without interest shall be paid to him for the whole period, but not longer than for 3 years from the date when the payment of social assistance benefit was terminated. In the event of the absence of a justified reason, the social assistance benefit shall be started to be paid from the date of the submission of the documents relating to the extending of the payment of social assistance benefit.

2. Social assistance benefits shall be paid as long as their recipients permanently reside in the Republic of Lithuania. When a recipient of the social assistance benefit moves to another state for residence, the payment of the granted benefit shall be terminated from the first day of the month following the month when the recipient of the social assistance benefit moves to another state for permanent residence, unless otherwise provided for in the international agreements of the Republic of Lithuania.

Article 22. Specifics of the Granting and Payment of Social Assistance Benefits

1. Persons aged under 18 who have acquired the right to receive social assistance pensions or (and) orphan's social assistance pensions while staying or being nursed at guardianship, educational or nursing institutions partly or entirely financed with funds of the state or municipal budgets, shall not be granted and paid the said pensions, except for the cases provided for in paragraph 3 of this Article.

2. Persons aged under 18 who have been granted social assistance pensions or (and) orphan's social assistance pensions and later have been placed in guardianship, educational or nursing institutions partly or entirely financed with funds of the state or municipal budgets, shall not be paid the said pensions from the day following the day when they are placed in such institutions.

3. When the persons referred to in paragraphs 1 and 2 of this Article temporarily or permanently leave (are taken from) guardianship, educational or nursing institutions, social assistance pensions or (and) orphan's social assistance pensions shall, upon their own request or the request of one of their parents (adopters), guardians or curators, be granted and started to be paid from the day following the day on which they leave (are taken from) these institutions. If they return to the said institutions, social assistance pensions or (and) orphan's social assistance pensions shall not be paid from the day following the day on which they are placed in these institutions.

4. Targeted compensations for nursing expenses and nursing allowances for disabled children and disabled persons staying or being nursed at guardianship, educational or nursing institutions financed with funds of the state or municipal budgets, shall not be granted and paid. When the said disabled persons temporarily or permanently leave (are taken from) these institutions, targeted compensations for nursing expenses and nursing allowances shall, upon the request of the disabled person or one of his parents (adopters), guardian or curator, be granted and started to be paid from the day following the day on which they leave (are taken from) guardianship, educational or nursing institutions. If they return to the said institutions, targeted compensations for nursing expenses and nursing allowances shall not be paid from the day following the day on which they are again placed or started to be nursed in the said institutions.

5. Social assistance benefits shall not be granted and if granted, shall not be paid during pre-trial detention, as well as to the persons sentenced to imprisonment and to the persons to whom, in the manner prescribed by the Criminal Code, compulsory medical measures of in-patient observation in specialised mental health care institutions or reformatory sanctions are imposed by a court's judgement. Social assistance benefits granted to such persons shall not be paid from the first day of the month following the month when they are arrested, sentenced, sent for compulsory treatment or reformation. After their detention ends, or they are released from the place of imprisonment, the compulsory treatment institution, special reformatory institutions, the granted social assistance benefit shall, upon the receipt of an appropriate request, be started to be paid

again from the day following the day of the release, provided that the person is entitled to receive the social assistance benefit.

6. In the event of death of the person to whom social assistance benefit was granted, the social assistance benefit for the month in which the recipient of the social assistance benefit died shall be paid to the natural or legal persons who buried him (hereinafter referred to as “buriers”). The buriers shall also be paid the social assistance benefit for the previous month which the person did not receive before he died. In the event of death of the recipients of social assistance pensions, orphan’s social assistance pensions, relief compensations and social pensions, the buriers shall also be paid the appropriate pension or relief compensation, due to the deceased person for the month of his death, for two months. When a deceased person is buried with funds of the state or municipal budgets, the amount of the social assistance pension, orphan’s social assistance pension, relief compensation and social pension for two months shall not be paid.

Article 23. Deductions from Social Assistance Benefits

1. Deductions from the social assistance benefit shall be allowed in the case referred to in paragraph 15 of Article 19 of this Law and according to executive documents in the manner prescribed by law.

2. Deductions from the amount payable to a recipient of the social assistance benefit shall be carried on until the complete repayment of the recoverable amount:

1) when deducting overpaid sums in the case referred to in paragraph 15 of Article 19 of this Law – not more than 20 per cent of the amount of a payable social assistance benefit each month;

2) in all cases of the deduction – not more than 50 per cent of the amount of a payable social assistance benefit each month.

3. If the social assistance benefit is withdrawn, and the whole overpaid amount has not been recovered, the remainder of the debt shall be recovered from any other benefit paid by the municipal administration. If a person does not receive any benefits, the overpaid amount shall be recovered in judicial proceedings.

CHAPTER EIGHT

RETENTION OF THE RIGHTS ACQUIRED PRIOR TO THE ENTRY INTO FORCE OF THIS LAW

Article 24. Retention of the Rights Acquired before the Age of 18

1. Persons aged between 16 and 18 who were recognised as persons with Group I, II or III disability prior to the entry into force of this Law, shall be granted and paid social assistance pensions in the following amounts: for persons with Group I disability – in the amount equal to 2 basic pensions, for persons with Group II disability – in the amount equal to 1.5 basic pensions, for persons with Group III disability – in the amount equal to 1 basic pension. When these disabled persons reach the age of 18, social assistance pensions shall be paid to them in the amounts set out in subparagraph 2 of Article 7 of this Law.

2. If after the entry into force of this Law it is not applied for the establishment of a level of disability for a disabled child who was recognised disabled prior to the entry into force of this Law, a social assistance pension in the amount equal to 1 basic pension shall be paid until the establishment of an appropriate level of disability to a disabled child or until the expiry of the term of payment of the social assistance pension, or until a disabled child reaches the age of 16.

3. Persons aged between 16 and 18 who were recognised as persons with Group I or II disability prior to the entry into force of this Law, shall be granted and paid targeted compensations for nursing expenses in the following amounts, regardless of whether or not the necessity for permanent nursing has been established for them: for persons with Group I disability – in the amount equal to 1 basic pension, for persons with Group II disability – in the amount equal to 0.5 basic pension. When these disabled persons reach the age of 18, targeted compensations for nursing expenses shall be paid only in the event when it is established that permanent nursing is necessary for them.

4. Persons aged between 16 and 18 who were recognised as persons with Group I, II or III disability prior to the entry into force of this Law and who were placed or nursed in guardianship, educational or nursing institutions (regardless of the source of financing of such institutions) prior to the entry into force of this Law, social assistance pensions shall be paid for the time period of stay of the said disabled persons in these institutions in accordance with the procedure established by the regulations concerning state social assistance benefit granting and payment.

Article 25. Ensuring for Persons Disabled since Childhood the Right to Receive Social Assistance Pensions in the Amounts Set by this Law

Persons who reached the age of 18 and who were recognised disabled of Group I, II or III since childhood, shall be paid social assistance pensions in the same amount and under the same conditions as to the persons specified in subparagraph 2 of Article 5 of this Law.

Article 26. Payment of Social Assistance Pensions Granted Prior to the Entry into Force of this Law for Nursing Disabled Persons at Home

1. The payment of social assistance pensions granted to one of the parents (adopters), guardian or curator according to the procedure valid prior to the entry into force of this Law for nursing disabled children or persons with Group I disability since childhood, or persons who became disabled of Group I before the age of 18, shall be continued until the term of the granting and payment of such social assistance pensions, set out in paragraph 2 of this Article, expires.

2. The term of the granting and payment of social assistance pensions, referred to in paragraph 1 of this Article, to one of the parents (adopters), guardian or curator expires when, upon the entry into force of this Law:

1) the persons referred to in paragraph 1 of this Article acquire the right to receive targeted compensation for nursing expenses;

2) persons with Group I disability since childhood or persons who became disabled of Group I before the age of 18 are recognised disabled of Group II or III;

3) persons referred to in paragraph 1 of this Article are no longer nursed at home or when they are placed or nursed in guardianship, educational or nursing institutions partly or entirely financed with funds of the state or municipal budgets. In these cases social assistance pensions shall not be paid for the duration of the stay of the said persons in guardianship, educational or nursing institutions, and restarted to be paid in accordance with the procedure established in paragraphs 2 and 3 of Article 22 of this Law after they leave (are taken from) the said institutions;

4) the persons appointed as a guardian or curator in the manner prescribed by legal acts, is relieved of his duties or removed.

3. If upon entry into force of this Law disabled children aged under 16 are recognised having mild disability or it has not been applied for the establishment of a level of disability, social assistance pension for the nursing of a disabled person at home shall be paid until sever or moderate disability will be established for a disabled child aged

under 16 and he will become entitled to receive targeted compensations for nursing expenses or until he reaches the age of 16.

4. Social assistance pensions shall be paid to the recipients of such pensions regardless of the social assistance pensions or relief compensations due to the said recipients, as well as regardless of the pensions and (or) pension benefits (paragraph 5 of Article 2) received by them, and regardless of whether or not the recipients are the persons specified in subparagraphs 1-9 of paragraph 1 of Article 2 of the Law on State Social Insurance Pensions, as well as the farmers and their partners whose status is regulated by the Law on the Farmer's Farm.

5. Social assistance pensions for nursing disabled persons at home shall be paid to one of the parents (adopters), guardian or curator in the amount valid in March 2004 and shall not be increased after the approval of a new amount of the basic pension.

Article 27. Payment of Social Pensions Granted before 1 January 1995 and Paid prior to the Entry into Force of this Law

1. Social pensions granted before 1 January 1995 and paid prior to the entry into force of this Law shall be continued to be paid until the expiry of the term of the granting and payment of the said pensions or until the recipients of social pensions acquire the right to receive a social assistance pension, orphan's social assistance pension or relief compensation the amount of which (the total amount thereof) is the same or bigger than the amount of the social pension.

2. Social pensions shall be continued to be paid regardless of whether or not their recipients receive state social insurance widow's pensions and (or) social assistance pensions for the nursing of disabled persons, as well as regardless of whether or not they are the persons specified in subparagraphs 1-9 of paragraph 1 of Article 2 of the Law on State Social Insurance Pensions, as well as farmers and their partners whose status is regulated by the Law on the Farmer's Farm.

3. Social pensions shall be indexed according to a ratio of the amounts of a newly approved basic pension and the basic pension which was set before the approval. This provision shall apply for the first time after a new amount of the basic pension is approved following the entry into force of this Law.

Article 28. Granting and Payment of Social Assistance Pensions and Relief compensations to Persons Who Acquired the Right to Receive Them Prior to the Entry into Force of this Law

The persons who acquired the right to receive social assistance pensions or relief compensations prior to the entry into force of this Law, but applied for the granting thereof within 12 months after the entry into force of this Law, shall be granted and paid social assistance pensions and relief compensations in accordance with the procedure established by the regulations concerning state social assistance benefit granting and payment.

Article 29. Obligations of Municipal Administrations

1. Municipal administrations shall from 1 July 2004 grant and pay social assistance benefits set out by this Law or continue paying the social assistance benefits, compensations to the persons who nursed disabled persons and to the mothers raising many children, as well as the social pensions granted and paid prior to the entry into force of this Law.

2. If a persons is entitled to a social assistance benefit of the bigger or same amount pursuant to the provisions of this Law, the municipal administration shall, without a special request of a person, make a decision to grant and pay the social assistance benefit of the bigger or same amount, informing the person about the granting of a new social assistance benefit.“

Article 2. Proposals to the Government

The Government shall adopt legal acts necessary for the implementation of this Law.

Article 3. Entry into Force of the Law

This Law, except Article 2, shall enter into force on 1 April 2004.

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

PRESIDENT OF THE REPUBLIC

ROLANDAS PAKSAS