

Dietikon Social Services

Explanatory leaflet for recipients of social assistance

Legal basis

- (Federal Law of Legal Responsibility for Support of the Needy)
- ZGB (Swiss Civil Code), in particular Arts. 328 and 329
- Ordinance on the Social Assistance Act (SHV), SHV (Zurich Social Assistance Act and Relevant Ordinance)
- SKOS – Guidelines (Swiss Conference for Social Assistance)

The following principles must be observed:

Recipients of social assistance benefits are obliged to do everything possible to improve their situation and to actively contribute to solving their problems.

1. **Persons in receipt of assistance** are obliged to provide Social Counselling with **truthful information** about their financial circumstances (income, assets, obligations, etc.) and to grant access to their documents.
2. No new financial commitments may be entered into without the prior agreement of Social Counselling.
3. **All sources of income** (insurance daily benefits, overtime payments, bonuses, inheritances, lottery wins, etc.) must be declared to Social Counselling.
4. **Any extraordinary items of expenditure** must have the prior agreement of Social Counselling (e.g. purchases, music school fees, major repairs, holidays, unforeseen events, dentist, etc.).
5. **Social Counselling must be notified of any changes in circumstances** as soon as possible (such as beginning work, changes to the amount of work done, taking a second job, changing jobs, change of address, taking in a sub-tenant etc.).
6. **In cases where social assistance benefits are obtained unlawfully** Dietikon Social Services will take action (caution, reduction in payments, repayment, penalty demand).
7. People of working age must pay pension (OASI) contributions. Unemployed persons must pay the minimum contribution.

8. **Social Services** may **request information** on persons in receipt of assistance from government offices or their relatives (in particular tax factors in respect of any support by relatives).
9. **Municipal, cantonal and federal taxes** do not have to be paid from income support. Persons in receipt of regular support may submit tax calculations to Social Counselling in order for an exemption request to be made.

Extract from the Social Assistance Act (SHG)

§ 25 Social Assistance Act of the canton of Zurich dated 14 June 1981 (SHG)

Social services will verify whether any relatives are under obligation to provide assistance to the recipient of assistance under Arts. 328 and 329 of the Swiss Civil Code. When justified by the circumstances, they can ask the persons obligated to provide assistance to do so, and can provide mediation between them and the recipient of social assistance.

§ 26 Anyone who has received financial assistance on the basis of false or incomplete statements is obliged to repay the money granted.

§ 27 Financial assistance which has been obtained legally must be repaid if the recipient's financial circumstances improve as a result of inheritance, a lottery win or some other reason not resulting from his own occupational efforts, or if the conditions for repayment given in § 20 (non-convertible assets/property ownership) are met.

The repayment claim extends to benefits received by the recipient for himself, his spouse while married, and his children while they are under age.

Financial assistance which a person has obtained for himself whilst under age or up until the completion of training commenced during this time does not have to be paid back.

§ 28 If the recipient of assistance dies then a claim for repayment of the financial assistance shall arise against his estate. In asserting a claim for repayment, reasonable account must be taken of the circumstances of the heir.

§ 29 Repayment claims are interest-free except where benefits have been obtained unlawfully.

§ 30 Benefits paid more than 15 years before the time that the repayment order is made may not be reclaimed. Benefits for which a repayment obligation according to § 20 has been entered into are the exception.

The repayment claim lapses five years after Social Services have been made aware of its existence. Repayment claims for which a lien has been entered into are not subject to limitation.

Extract from the Social Assistance Ordinance (SHV)

§ 18 If an applicant offers no guarantee for the appropriate use of cash, payments may be made directly to third parties or vouchers and payments in kind issued. Discrimination against the applicant should preferably be avoided.

Extract from the Swiss Civil Code (ZGB)

Art. 328 ZGB Any person living in advantageous circumstances is obliged to support relatives both in an ascending and descending line who might otherwise be in need without this help. The obligation of care on the part of parents and spouses remains subject to change.

Art. 329 ZGB The claim for maintenance must be asserted in consideration of duties in the order of their right of inheritance and extends to the provision necessary for the living expenses of the person in need and appropriate to the circumstances of the obligated person. If the citation of an obligated person appears inequitable on account of particular circumstances, the court may reduce or remove the duty of maintenance. The conditions regarding the child's petition for maintenance and the transfer of his claim to maintenance to the community shall be applied as appropriate.