



Munich, March 21, 2020

## Coronavirus

### Information for parents

The number of coronavirus infections has increased significantly in Bavaria in the last few days. This is why **children are not allowed to enter day care facilities or therapy-based day care centres until 19 April 2020. This means that regular childcare services are not available at the present time.**

Excluded from this regulation are children whose legal guardians work in areas of critical infrastructure and are prevented from caring for their children due to official or operational necessities. **The parents may take these children also to the facilities and pick them up, there are corresponding exceptions from the stay-at-home orders.**

Emergency childcare is offered when

- **one** legal guardian works in the field of **healthcare provision** or **care** and, due to professional or operational necessities pertaining to this work, is prevented from taking care of their child, or
- **both** legal guardians of the child, in the case of single parents the single parent, works in other fields pertaining to critical infrastructure and, due to professional or operational necessities pertaining to this work, is prevented from taking care of their children. In this case, it is a precondition that **no other legal guardian is available** to take care of the children.

In the fields of **healthcare provision** and **care**, there is the chance of an increased demand of personnel because of the current crisis situation and the measures that have been implemented in this context. Consequently, in these two fields, as of Monday, March 23, 2020, there applies an entitlement to emergency care already in the event that **only one parent** works in **healthcare provision** or **care**.

**Healthcare provision** includes, for example, in addition to hospitals, doctor's offices, dental practices, pharmacies, and the public health departments, also the rescue service including aerial rescue. However, this does not only encompass medical doctors and caregivers, but all staff that takes part in the maintenance of operations: this also includes, e.g., the cleaning personnel and the hospital kitchen. **Care** includes in particular care for senior citizens, but also

assistance for persons with disabilities, children and youth services that ensure the protection of the best interests and welfare of the children, and the support system for women (women's shelters, specialized counseling offices/emergency call centers, intervention centers).

The **other fields of critical infrastructure – i.e., the fields where both parents count** – include in particular all facilities that serve to maintain other child and youth welfare, public safety and order, including non-police danger prevention (fire department and disaster control), the securing of public infrastructures (telecommunication services, energy, water, public transport, waste disposal), supply of food (from production to sale), passenger and freight transport (e.g., long-distance transport, pilots and air traffic controllers), the media (especially news and information as well as risk and crisis communication) and the ability of central government, the judiciary, and administrative bodies to act.

**Being a single parent** means that the child lives with him or her in a household and that there lives no other person of full age in this household who can act as caregiver. The child or the other person of full age belong to a household if the person is registered in the same home as either their main or secondary residence.

Additionally, the following conditions apply, if:

- the child has **no symptoms of illness**,
- the child **has not been in contact with infected persons** or 14 days have passed since contact with infected persons and the child does not show any symptoms of the disease,
- the child has not stayed in an area that was designated as a risk area by the Robert Koch Institute (RKI) at the time of the stay or was designated as such within 14 days thereafter (daily updated [here](#)), or 14 days have passed since returning from this risk area and no symptoms of illness have been observed.

Children who are allowed to attend a childcare facility in accordance with this regulation are taken care of in the facility they usually attend. Each day care or therapy-based day care centre shall provide appropriate care. The providers shall offer appropriate care services.

The Bavarian State Government is well aware that the restrictions confront parents with the greatest challenges. We would like to thank you explicitly for your contribution to infection control.

The following applies if you are unable to attend work due to the care of your child:

If your child is ill, you may be entitled to child sickness benefit under health insurance law. This is regulated in § 45 of the Fifth Book of Social Law (SGB V). The precondition is that the mother or father, according to a medical attestation for the care of their sick and also legally insured child, stays away from work, another person of trust is not available for care and the child has not yet reached the age of twelve or is disabled and is in need of assistance. For the duration of the entitlement to child sickness benefit - up to 10 working days per year for each child, and up to 20 working days per year for single parents - there is an entitlement to unpaid release from work against the employer. If you have any questions, you should contact your health insurance company.

If your child is healthy and you cannot go to work because you have no other means of childcare, you must inform your employer immediately. Often an agreed solution can be found in such situations. Examples include holidays or a reduction of overtime. If necessary, it is also possible to work from home in a home office, if this is permitted in the company. Depending on the individual situation, it might also be worth considering, for example, agreeing a temporary reduction in working hours with the employer in order to better reconcile work and childcare. If you already work part-time, a temporary change in your working hours could also be a helpful step. For example, you could agree with your employer that you will work longer on certain days when childcare is otherwise provided and in return stay at home on other days. Under certain circumstances, a claim to continued payment of your salary could arise from the provision of § 616 of the German Civil Code (BGB). This stipulates that employees continue to receive their salary if they are unable to work for a comparatively short time due to "an obstacle to performance for which they are not responsible". However, this regulation can be excluded in the employment contract or tariff agreement, which is often the case in practice.

It is therefore important in any case to seek a dialogue with the employer, to approach him/her and to clarify together which solution is best for all parties involved.

For the question of whether parental contributions are still payable despite the prohibition of entry, the regulations in the respective childcare contract are decisive.