

## **Family obligations in Denmark**



Inger Koch-Nielsen

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OBLIGATIONS  
IN DENMARK**

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Family Obligations in Denmark

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## P R E F A C E

This booklet intends to sketch the legal framework around the division of responsibilities between the family and the welfare state in Denmark and to analyse to what extent and where the unit of rights and obligations is the individual and where it is the family or household.

The booklet is based upon a working paper produced as a Danish contribution to a European

study organized by Prof. Jane Millar, University of Bath concerning family obligations in the welfare state.

Stud.adm. Tine Rostgaard contributed to the working paper on the topic about dependent parents. The booklet has been reviewed by international consultant, senior researcher Torben Fridberg.

*February, 1996*

*The editorial Committee*



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# **C O N T E N T S**

<b>9</b>	<b>Introduction</b>	<b>24</b>	<b>Parents and their dependent children</b>
		24	The length of childhood
		24	Sharing the costs of children?
		24	Benefits in cash
<b>11</b>	<b>Marriage and cohabitation</b>	25	Benefits in kind
11	Introduction	27	Concluding remarks
11	The family concept	27	The take-over of parental responsibilities
12	The legal unit in family and social legislation	27	Introduction
12	The principle of individuality	27	Concepts and statistics
13	Special rules concerning spouses	28	Conditions and measures
13	Cohabitation and family law rights	29	Concluding remarks
14	The principle of household		
15	The homosexual couple		
15	On custody		
17	Concluding remarks	<b>30</b>	<b>Children and their dependent parents</b>
		30	Introduction: The diminishing role of the family
		30	The public responsibility
<b>18</b>	<b>Divorce and separation</b>	31	The principle of community care
18	Introduction	32	Domiciliary care
18	Concepts and statistics	34	Nursing homes
19	Obligations between the former spouses	35	Concluding remarks
19	Entitlement		
20	Duration and amount		
21	The importance of a new marriage/ partnership	<b>36</b>	<b>References</b>
21	Enforcement		
21	Obligations in social legislation		
22	Child support	<b>38</b>	<b>Publications from The Danish National Institute of Social Research</b>
23	Concluding remarks		





## INTRODUCTION

The crucial question for this report is *the balance in obligations between the Family and the State*.

From the mid sixties the Welfare State has taken on its shoulders an increasing number of obligations concerning the financial support, service provisions, and to some extent also the responsibility, for the well-being of people. From a situation where the unit in social policy measures was the household or family we have moved towards a situation where the unit is the individual. Moreover, we have simultaneously witnessed attempts in certain areas to redefine the family so that its members would be identified not by marriage but by cohabitation.

Can we now - in 1995 - as a consequence of the so-called crisis of the welfare state - detect a change in those obligations? This overall question should be divided into two:

The *first question* is concerned with whether an attempt is discernable to bring the family back in as the legal unit instead of the individual, as far as financial rights and obligations are concerned?

The overall answer to this question is NO! A strong political support of the trend towards individualization was formulated in a parliamentary decision of the 14th May, 1987, a decision that is

still taken into consideration when a new legislation is passed:

"Parliament requests the government to:

- Elaborate a plan of how to implement, gradually but decisively, rules concerning the independence of spouses and equal rights of cohabiting partners (the principle of individuality) in social legislation and all other areas of legislation, in accordance with a report from a committee set up by the Ministry of Social Affairs - equal treatment of marriage and cohabitation.
- To ensure a constant automatic checking of the rules in the future legislative work related to the family in order to introduce the principle of individuality, and in those cases where exceptions are made to argue for those."

The *second question* is of a more general nature, namely whether the welfare state is in general rolling back, leaving the family to take increasingly care of and to support its members? Again the overall answer to this question is NO, if we consider the development in staff and expenditures in the social sector as reflected in the key figures in table 1.

**Table 1. Key figures illustrating the development in the Danish Welfare State provisions. Selected years.**

	1985	1990	1992
Staff in social- and health care	187,800	209,500	218,000
Total social expenses in percentage of BNP	27.0	28.9	29.9
Benefits in cash in percentage of BNP	16.6	18.6	19.1
Benefits in kind in percentage of BNP	10.4	10.3	10.8

Source: Danmarks Statistik, 1994b.

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## I N T R O D U C T I O N

However, in the recent public debate there can be observed a trend towards stressing the obligations between family members - parents towards children, children towards elderly parents, but up till now the discussion has taken place on a *moral* level, taking as a point of departure the ex-

istence of the services and support from the welfare state.

Thus the aim of the debate is primarily to recall the obligations of the individual to be involved in, to look after and to fulfil *social* more than financial obligations.

## Introduction

The two main issues of this section are whether rights and obligations are attributed to the individual or to the family, and if to the family - whether the family is defined by marriage or by cohabitation. The section deals mainly with financial rights and obligations. The issue of custody is treated separately in the last part of the section.

The background for these questions is of course the development in marriages as opposed to the development in cohabiting couples (*papirløst samliv*). According to nation-wide surveys, approx. 1/4 of all couples are cohabiting without a marriage license. As can be seen from table 2 the proportion has been increasing, and is furthermore much higher among young couples without children than among those with children.

## The family concept

In sociology the nuclear family has traditionally been defined as: A group consisting of a female

and a male (with children), living in an economical, emotional and sexual communion. This group can be described as a set of relations attributed with certain functions as described in figure 1. The relations that make up the family group are: partnership, parenthood and siblingship, while the most important functions are described as economic support, reproduction, socialization, emotions and sex. The importance of and weight attributed to the different functions varies according to the stage in the life-cycle of the group.

The *partnership* is attributed the functions of sex, emotional and economic support, and *parenthood* with support and emotions but furthermore with the socializational function. The *siblingship* is attributed solely the socializational and emotional functions (Koch-Nielsen, 1983). The family concept includes thereby one-parent families without a partnership, but with a parenthood-relation within the definition. It also allows for the so-called reconstituted families, where the biological father (mother) has left the family-group but still has some functions to perform, while a stepfather has

Table 2. The percentage of non-married couples among all couples, for selected family-types. 1974-91.

	1974	1980	1985	1990/91
Young couples without children	50	68	75	76
Families with small children (youngest 0-6 year)	8	15	24	27
Families with school children (youngest 7-17 year)	4	5	8	12
All couples	10	16	20	23
N =	7,749	9,111	6,136	7,098

Source: Nygaard Christoffersen, 1993a.

Figure 1. The Family Structure.

Mother Wife	MARRIAGE	Father Husband
PARENTHOOD		PARENTHOOD
Child	SIBLINGSHIP	Child

Marriage:  
Sex  
Reproduction  
Maintenance  
Care  
Emotional life

Parenthood:  
Maintenance  
Care  
Emotional life  
Socialization

replaced him in certain relations and functions. Basically this family-concept only relates to the nuclear family, but by extending the parenthood in time, beyond the childhood of the children, it might also be applied to the extended biological family.

The functions can partly be considered as *obligations* attributed to the family group by society, partly as *needs* that the individual seeks to fulfil in the family. When the functions are considered as obligations they are of a sociological and legal nature, while the needs are of a physical and psychological nature. Our interest here is in the functions regarded as obligations.

The main question of this paper might in a more sociological terms be phrased like this: *To which relations does society attribute which obligations and how are those relations defined in legal terms?*

## The legal unit in family and social legislation

In the conceptual and legal definition of the family unit three main principles can be applied (Vindeløv, Andersen & Nielsen, 1988):

- 1) The principle of *individuality*
- 2) Special rules concerning *spouses*
- 3) The principle of *household*.

In the following we will apply these principles in an effort to give a systematic overview of the Danish legislation, not going too much into detail since legislation - especially in the social field - is subject to frequent changes.

### The principle of individuality

The principle of individuality can be regarded as the main rule in social and to some extent even in matrimonial legislation (see below). It is as mentioned above stated in a parliamentary decision. The significance of this principle is that a person is treated according to her/his own circumstances regardless of whether she is single, married or cohabiting. No difference exists between the sexes in this respect.

The principle of individuality applies to the *contributory benefits* (though the term contributory is somewhat misleading in a Danish context as the main source of financing is taxation). The mutual obligation of support between spouses in matrimonial law is thus not applicable to the following benefits:

- ▶ unemployment benefits
- ▶ sickness benefits
- ▶ parental and other leave
- ▶ early retirement pay

Entitlement to the above benefits is based on the individual's affiliation to the labour market, and the amount depends on previous wage and length of affiliation, while the family status is of no importance.

As far as social pensions (old-age and early retirement) are concerned, the entitlement is based upon the principle of individuality, whereas the assessment, especially of supplementary benefits, may be based on a principle of household.

The principle of individuality is also the dominant rule in tax legislation. But there exists a few exceptions: (see below)

It is noteworthy that the principle of individuality is also applied to cohabiting couples in relation to the means-tested social assistance.

### **Special rules concerning spouses**

The perception of the *family as an economic unit* established through legal marriage still holds true in many respects. Referring to the sociological definition it means that *rights and obligations are attributed to the partnership established in a specified legal procedure that states exactly the point of time when this unit was established, when it was dissolved and who the members of the unit are.* The two basic rules concerning financial support and property for spouses are:

- The *mutual obligation of the spouses to support each other.* The implications of which is reflected

- ▶ after divorce, as *spouse maintenance*, (see p. 24)
- ▶ in relation to *means-tested benefits* (social assistance and parts of the social pension schemes,

- ▶ in *taxation* as spouses have a subsidiary liability for the other spouses' payment of tax,
- ▶ in the fact that *special tax-deductions* that one spouse is not able to make use of may be transferred to the other spouse.

- The institution of "*joint property*" (*fælleseje*), a legal construction that tries to take into account both the rights and obligations of the individual spouses and that of the married couple as an economic unit. Briefly, the rule implies that during marriage the individual spouse has the rights and obligations as a single person to those parts of the property that he or she has introduced into or obtained during marriage (*bodel*). This sounds simple enough, but judicial practice shows that problems may arise in practice, concerning the proof of ownership of parts of the property.

It is when the marriage is dissolved, either through divorce or death, that the effect of the joint property is demonstrated, since (after the deduction of debts) it is divided into two equal parts, provided no special agreements have been set up.

After the death of a spouse, the surviving spouse is furthermore entitled to 50 per cent of the other half of the joint property, and this share can not be reduced further than to 30 per cent, not even through a will. Most important is perhaps the right of the surviving spouse to retain the *estate undivided*, if the only heirs are common children. The level of taxation is also beneficiary to spouses compared to other heirs.

### **Cohabitation and family law rights**

Basically the legal rights and obligations are different for those cohabiting outside a legal marriage,

though a number of rights may be obtained through *individual agreements* set up in a contract or in a will. The partners may e.g. make agreements on:

- ▶ Co-ownership of the property or parts of it.
- ▶ Equal division of property at the dissolution of the cohabitation, but not an unspecified agreement about joint property, compensation or maintenance if the cohabitation is dissolved.
- ▶ Inheritance, though with respect of obligatory inheritance.
- ▶ Insurance, though special tax deductions are only granted for insurances benefiting spouses.

This means that it is possible through contracts of different kinds (and legal assistance from a lawyer) to obtain many of the same rights and obligations that are (in a simpler way) provided for by a marriage license. Seeking legal advice of this kind is probably not done by the lower income-classes.

If no special agreements have been made there may certainly arise problems when a cohabitation is dissolved. Typically questions of compensation (most frequently from the woman) or whether a co-ownership has been established. Going deeper into this question demands an analysis of the judicial practice. Usually a compensation is not easily obtained. Factors that are attributed importance in the decision-making are:

- ▶ Length of cohabitation.
- ▶ If the property was obtained as a common property e.g. a house.
- ▶ If the couple can be said to have lived in an economic union.
- ▶ If they have had the same bank account.

## **The principle of household**

The principle of household is the ruling principle in the Social Assistance Act where it is stated that:

"Every man and woman is obliged towards the public to support oneself, ones spouse and one's children below the age of 18."

It should be noted that this obligation is restricted to the nuclear family and that it only concerns children up to the age of 18. Furthermore it applies only to married couples.

As a consequence the entitlement to and level of *Social Assistance* depends upon marital status and the existence of children.

One-parent families are entitled to special child benefits (not means-tested). In order to qualify for benefits, the applicant must sign a declaration that she is also *de facto* single. This rule - that extends the obligation of the family to the household (as it is applied whether the cohabiting partner is the biological father or not) was introduced in the seventies.

Reduction in payment for day-care is also means-tested on household income, and the same applies to housing benefits. Furthermore, special tax-deduction rules for pensioners are assessed on the basis of whether the pensioner is *de facto* single.

The payment for a provisional *home help* which is available for those who are unable to take care of their home or children due to sickness is calculated according to the household income. Persons who are *permanently disabled* obtain the service free.

The *ideology of de-institutionalization* has also meant, that a considerable number of the previ-

ously institutionalized handicapped, mostly the mentally deficient, are today accommodated in shared housing instead of in institutions. This has in general been a very succesful process. Whether the handicapped live in an institution or in shared housing or with their family, their families do not contribute to the costs. But while we cannot say that the de-institutionalization of psychiatric services has burdened the family financially it may certainly have burdened it socially.

## The homosexual couple

In 1989 the access for a homosexual couple to have their partnership registered was introduced by law. The main rule of "Registered partnership" (*Registreret partnerskab*) is that the partners who have had their partnership registered are, in almost all respects, considered to be "spouses". This goes for all the rules mentioned above regarding mutual obligations of support, joint property, inheritance, undivided estate but also the regulations in social legislation. A homosexual couple cannot, however, adopt children, nor can they obtain joint custody.

Homosexual couples who do not make use of the *registered partnership* will be treated like other cohabiting couples.

## On custody

It was not until the 1920's that the married mother was granted custody of her own children - and not til 1957 that she was granted guardianship. Basically the custody of a child born out of wedlock lies with the mother, but the status of the unmarried father has changed a great deal. By the Childrens' Act in 1937 the *obligations* of the unmarried father

were laid down: he was obliged to contribute towards the support of the child through child maintenance and the child was entitled to inherit him.

To-day the debate is that of the *rights* of the unmarried father - a change that has of course to do with the change in family patterns.

Since the mid-sixties the proportion of births out of wedlock has increased from 10 to almost 50 per cent, and in most of these cases (93 per cent) the parents are cohabiting at the time of the birth of the child (Nygaard Christoffersen, 1993a).

Paternity is as far as the married father is concerned established through marriage (the "pater est presumption".) For the unmarried father it is established either through his confirmation of the paternity - which is far the most dominant procedure, as 93% are established in this way (Betænkning nr. 1279) - or through a court decision. From 1989 on the recognition procedure has been simplified so that the father does not have to turn up in person before the county governor but can mail a signed statement. In 1969 the legislation was changed so as to enable the unmarried father to obtain the right of visitation following upon a break up of the cohabitation.

In 1985 the possibility for the father to obtain part in the custody was introduced through the establishment of "*joint custody*". Furthermore the possibility of *transferring the custody* from the mother to the unmarried father was introduced. Joint custody can only be obtained through an agreement between the mother and the father, approved by the county governor, who is in Denmark the decentralized authority in family law matters.

It is estimated that joint custody agreements are established in 50-60 per cent of the cases where the paternity is confirmed (Betænkning nr. 1279).

In 1993 the Ministry of Justice on request of Parliament set up a committee to analyze and discuss a change in the legislation on custody, including among other topics the introduction of an obligatory joint custody for unmarried fathers.

The report (Betænkning nr. 1279) has turned down this proposal, and the arguments behind this are closely related to the discussion about the boundaries between the family and the state. The Danish joint custody arrangement was introduced in order to *enable those parents who could agree* to decide for themselves about the distribution of parental rights and obligations, and it is not stated either in the Act or in the approved agreement what the joint custody is about.

The basic arguments in the committee's report are the following:

"The introduction of an obligatory system would in the long run necessitate the access of the parents to have their disagreements in single questions solved by the authorities... Apart from the issues of domicile (which can today be decided upon by the court) and visitation (where the committee proposes that a similar solution should be introduced); the consequences would be that parents could go either to court or to the county governor to have a decision on whether the child should go to kindergarten or to private day-care. Later a decision might be needed on whether the child should go to a private school, should continue into grammar school etc. The same problems could arise about religious questions... etc... *Basically this is a question about what the state should regulate in this personal, private domain and what tasks should be left to the custodial parents themselves*".

According to this white paper another committee working on the Childrens' Act might suggest

that the above mentioned rules of paternity are changed in order to reflect the new family patterns, by introducing a kind of "pater est presumption" also for cohabiting couples. This presumption could be established if the mother gives a statement about her cohabiting with the father 10 months prior to the birth and the father's acceptance of this statement is given in the presence of e.g. the hospital authorities. If such a rule is established it would seem evident to introduce joint custody in connection to this procedure.

Furthermore the report suggests:

- ▶ An easier access for the transference of custody to an unmarried father.
- ▶ That the joint custody agreements do not need to be approved by the authorities, but
- ▶ that they should on the other hand be centrally registered, which is not the case today, and which, accordingly, has the consequence that the authorities are not always able to involve both parents in decisions taken about the child.

A new legislation on custody and visitation was passed in June 1995 and came into effect from January 1996. According to this, joint custody still requires an agreement between the parents, but no approval from the authorities. In order to be valid, however, it must be registered at the county council.

Nevertheless even in the absence of such agreement the court can under certain circumstances transfer the custody from the mother to the father. If the parents have been living together for a considerable time - without having joint custody - and the father at the dissolution of the cohabitation demands custody, the court is in the position to decide who will be the custodial parent - taking the child's best interest into consideration. Furthermore



the court can transfer the custody from the mother to the father if the change is considered best for the child. The decision must take into consideration whether the mother has tried to prevent visitation without reasonable cause.

### **Concluding remarks**

"The declining importance of the wage-earner family has as a consequence led to a declining interest from the state in regulating the constitution and dissolution of marriage. Following the increased economic independence of the individual members of the family one can observe a shift from the stress on matrimonial law as regulating the family as an institution to a stress on social and tax-regulation, taking the individual as the point of departure." (Beck, 1986).

This statement from the mid 80's still holds true.

The concern in the area of cohabitation vs. marriage in the Danish debate has for more than a decade been about equal rights, either with the equal rights of those legally married or of those cohabiting.

The consequence of this public and legal debate has been the above mentioned principle of individuality - aiming at reducing the costs of marriage in tax and social legislation. In social legislation such a step was taken already in the mid seventies when the habit of cohabitation began to gain ground, triggering off public and political concern with "social fraud". Accordingly the right to the special child's benefit to which one-parent families were entitled were restricted to genuine one-parent families.

In relation to custody the importance of marriage is constantly declining while the importance of biological parenthood is attached more and more importance.

## Introduction

This section deals with the question of the obligations between family members following divorce and separation. The obligations between the adults of the former marriage is described in the first part, the obligations towards children in the second part.

In the section we try to answer two main questions of relevance to the overall topic of the role of the state concerning the financial support of both adults and children after a divorce. The first is whether we can observe a trend indicating any change in this role, the second (related to the section about marriage and cohabitation), is whether those obligations that exist after a broken marriage are extended to broken cohabitations.

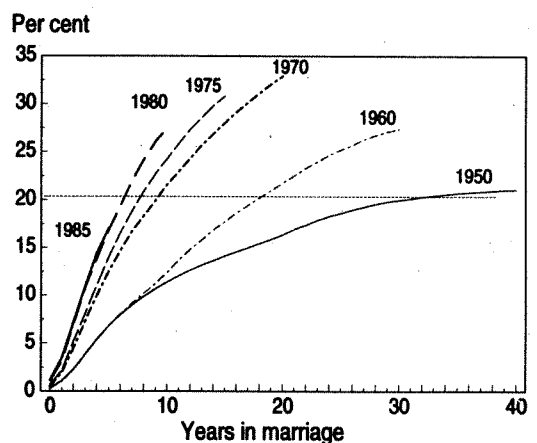
## Concepts and statistics

Referring to figure 1 and the family concept introduced in the beginning we will introduce the following *sociological definition of divorce* (Koch-Nielsen, 1983):

"Divorce can be considered as a process initiated by a change in the partnership relation involving a change and, further on, a dissolution of the family unit. The process of divorce is a process that reorganizes the relations and the functions of the family. The legal divorce is thus the formal acceptance from society of the fact that the partnership relation is dissolving and that the functions of the family as a consequence are weakening or non-existing."

This conceptual approach to family and divorce also explains why we can witness different developments concerning the dissolution of partnership

**Figure 2. Marriage dissolved as a consequence of divorce by the end of 1991. Marriage entered in 1950, 1960, 1970, 1975, 1980 and 1985. Percentage.**



Source: Nygaard Christoffersen, 1993a.

and the dissolution of parenthood. This new concept of divorce as a change in family relations, and the logical consequence that parenthood relations had not necessarily to be affected, originates from the divorce research in the beginning of the 80's (e.g. Ahrons 1980a; 1980b; Koch-Nielsen, 1983), and it was Ahrons who explicitly introduced the concept of the "bi-nuclear family".

As in other countries the divorce rate has been increasing during the last 20-30 years. The probability of divorce is illustrated in figure 2, illustrating how many years it took different marriage-generations to reach the point where 20 per cent of the marriages were dissolved by a divorce. Among marriages contracted in 1950 this proportion was not reached until 30 years later, while it only took the marriage generation from 1980 7 years to get to that point.

## Obligations between the former spouses

The rules regulating the division of property have already been described. For most people division of property means the division of the family home (2/3 Danish families own their house) and nothing more. But for some a divorce might establish a debt that lasts for years and could be the beginning of a true social deroute.

No general statistics give information about the proportion and size of *spouse maintenance*. According to a survey on divorced couples with children from 1981, only 15 per cent of all the divorced women received maintenance from their former spouse. Taking only the one-parent families into account the figure is somewhat higher, namely 22 per cent. For most women the maintenance was a supplement to a wage, while a few would combine it with social assistance (Koch-Nielsen, 1983). A more recent study of the separations and divorces from one county in 1986 gives almost the same figure - 26 per cent (Danielsen, 1989).

The rules in this area are somewhat complicated as a consequence of the Danish two-stringed procedure for obtaining a divorce.

A divorce can be obtained from the regional administrative authorities (the county governor) if the spouses both want the separation or divorce, if they agree to this procedure and furthermore agree to the most basic consequences, namely the division of custody and whether spouse maintenance should be paid (and a few other consequences). Again we have no recent statistics, but according to older statistics and the general impression the great majority of separations and divorces (85-90 per cent) are obtained in this way. If the couple cannot agree on those topics they must take their

divorce application to court. What complicates the matter even more is that the courts' competence in this field is restricted to *if* and for *how long* the support will be paid. The *size* is decided by the before-mentioned administrative authorities.

In the following we shall concentrate on the questions of:

- 1) Entitlement.
- 2) Duration and amount.
- 3) The importance of a new marriage/partnership.
- 4) Enforcement.
- 5) Obligations in social legislation.

### Entitlement

According to the literature (Danielsen, 1989; Højgaard Pedersen, 1990) the judicial practice is not at all clear. The rules about maintenance were introduced in 1922 in order that divorced women, primarily housewives who had never entered into the labour market, should have access to a maintenance after divorce.

To-day most women will have (had) a job of their own and, if not, be entitled to a benefit of some kind.

However, the position of women on the labour-market is still not as good as that of the men and the risk of unemployment is higher.

"The uncertainty seems to be greatest in those cases where the poor economic situation of the wife is due to the general situation on the labour-market and not to the same extent to the conditions of marital life" (Højgaard Pedersen, 1990).

According to the legislation on divorce four aspects must be taken into consideration:

- ▶ Need for support.
- ▶ Ability to pay.
- ▶ Length of marriage.
- ▶ Need for support towards an education.

The first aspect to be considered is that of the *need of one spouse* (normally wife). If she (he) is quite capable to manage for herself (being well-educated, holds a good position, working full time) she (he) will under no circumstances be entitled to support.

Where a need is established the question of the *length of marriage* will arise. 2-3 years of marriage will usually not entitle a woman to support, and if there are no children the lower limit will be closer to 5 years.

Seldom will *the ability* of the husband *to pay*, be taken into consideration when the decision about the obligation to pay maintenance is made. This means that also husbands who live on provisional benefits (unemployment or social assistance) will be obliged to pay toward the support of their former wife. If on the other hand their ability to work is considered permanently reduced (e.g. living on an invalidity or social pension) no maintenance will be granted. (Højgaard Pedersen, 1990).

In general there exists no possibility or risk for those who have chosen to cohabit instead of to marry, to obtain or be obliged to pay any financial support if the *cohabitation* breaks up. In the previous section we mentioned that the couple might have made special agreements towards the possible problems to arise from a break-up. But if no such agreements have been made - and this is probably the main rule - the only way is to take the case to court. At any rate there will be no question of a maintenance, but as mentioned above there might be a question of some kind of compensation.

## Duration and amount

According to a change in the legislation from 1989 a spouse maintenance for more than 10 years can only be granted under very specific circumstances. And an unlimited maintenance is rather infrequently granted, and never if the marriage has lasted less than 20 years. In a recent doctoral thesis about the divorce process (Danielsen, 1989) the state of affairs is summed up as follows:

"Today divorced women can be divided into three groups, those who will receive nothing, those who will be granted a transitional support for 3-5 years, helping the woman to adapt to the new situation and in relation to a new job situation, and those who will receive a long term support."

Statistics on spouse maintenance is not available, but it is only a very few separations and even fewer divorces where there is a question of spouse support, and long term support is rare. Recent statistics can only be found in the above-mentioned study from one Danish county where 20 per cent of the spouse support granted was unlimited.

As mentioned above, the size of the maintenance is not decided upon by the court but by the regional administrative authorities, according to four guiding principles established through practice (Danielsen, 1989). "*Fjerdedelsreglen*" (one-fourth rule) according to which the size will be calculated as one-fourth of the difference of the income (after the deduction of child support) of the obligor and the entitled spouse. "*Tredjedelsreglen*" (one-third-rule) according to which the combined child and spouse support must not exceed one-third of the income of the obliged spouse, thus giving priority to child support.

Furthermore an *upper and lower limit* seems to be applied. Here again the mentioned two-string system operates, insofar as there might exist a court decision, according to which the husband is obliged to pay, but according to the rules here mentioned the administrative authorities can reduce the amount to zero.

### **The importance of a new marriage/partnership**

If the entitled spouse enters into a new marriage the spouse maintenance ceases to apply. This is not the case if the new partnership is not established through marriage. But cohabitation may give rise to an administrative decision about whether there exists a need and, if not, reducing the maintenance "for the time being" to zero. But this of course raises the question whether it is at all possible for the obliged spouse to prove the cohabitation.

### **Enforcement**

In order to enforce the payment a spouse may, of course, go to court. But the normal way of enforcement is through the municipal authorities who in 1977 were given the competence to enforce spouse and child maintenance, whether the legal basis of the claim is an agreement or a court decision.

The usual procedure is for the authorities to try to reach an agreement with the man about how much he is able to pay. As far as the agreement is followed the legal enforcement measures will not be applied. One measure is a deduction in the wage at source, which is far the most frequent and the most efficient procedure. The other is pawning - a measure that plays almost no role.

The decision to request the employer to deduct

the amount in the future wage at source is made by the municipal council. In deciding upon the amount to be deducted consideration has, however, to be paid to the ability of the obligor to support himself and his family. Consequently the amount may be less than the amount to which the former wife is actually entitled.

The rights of the social authorities to take over the claim of the woman in case she receives social assistance is described below.

### **Obligations in social legislation**

According to the Social Assistance Act the obligation to support a spouse also in relation to the public ceases to exist at a legal separation or divorce.

It is another question whether the spouse maintenance influences the right to social benefits or vice versa - how will the rights to social benefits affect the obligation or amount of the support.

The entitlement to one of the non-means-tested benefits will not be influenced by a spouse maintenance. This is, however, not the case with the means-tested social assistance, the amount of which will be affected by the existence of a spouse support. The normal procedure will in this case be for the municipality to pay out the total amount of the social assistance to the wife and to take over the claim against the husband. The municipal authorities may furthermore act as claimant to have an obligation of spouse maintenance established, or to have the amount increased.

A connection can be observed in the reverse direction: the amount of the maintenance to be paid from the husband may change considerably if the woman's means of subsistence changes from an unemployment benefit to social assistance, but

only provided an obligation to pay maintenance has been established in the first case.

## Child support

The obligation of the unmarried father to contribute to the support of the child through payment of maintenance was introduced in the 1930's. But since 1960 the obligation of both parents to support their children as stated in the Childrens' Act is no longer related to marriage. The main rule is that both (biological) parents are obliged to support their children. If the parents are living together - and together with the child - it is assumed that the obligation is fulfilled. The question of a "child maintenance" only arises if the parents do not live together either because they break up or because they have never been living together.

The rules apply to approx. 1/4 of all Danish children, as this is the proportion who, according to recent calculations (Nygaard Christoffersen, 1995), will experience a divorce or separation of their parents during childhood. 5 years earlier in 1985 the figure was estimated to 1/5. 14 per cent of the Danish children are estimated to live in a one-parent family, the remaining 10 per cent in a stepfamily. If we take a look at the parents then 9 per cent of all parents are lone parents (14 per cent of the mothers and only 2 per cent of the fathers).

The child maintenance is granted by the county governor on request from one of the parents. But the parents can also themselves decide on the amount of the maintenance.

If the parents have agreed to a *joint custody arrangement* following the break up of the marriage or cohabitation (which is the case in approx. 60% of the cases of legal separation and divorce according to a recently published white paper, (Bertænknng nr. 1279)), it is the presumption that

both parents will contribute adequately to the support of the child. But if one of the parents claims to be and apparently is the main supporter, a decision on child maintenance may be obtained.

The size of the child maintenance is calculated on the base of rather complicated rules set up by the Ministry of Justice. The basic concept is the so-called *normal bidrag*, (the normal contribution) - that is the same for fathers and mothers and amount to 650 DKK pr. month, the same amount as that of the child benefit.

The *normalbidrag* is non-taxable income, but supplementary maintenance is taxable income for the child. The obliged parent can deduct the contribution (if paid) from his/her taxable income.

An agreement to pay less than this amount will normally not be accepted by the authorities (as they will always be obliged to pay this amount out in advance). Supplementary maintenance can be granted for special events such as baptizing, confirmation and sickness of the child. An agreement to pay more is accepted if the amount does not arouse the suspicion of the authorities that it is a question of obtaining a considerable tax deduction. The child maintenance will, as a main rule, be granted till the child becomes of age (18). But the parent may be obliged to contribute towards the costs of education till the age of 24.

*The enforcement* of the payment is left to the municipal authorities. They are obliged to - on request of the mother - to pay out the normal contribution half a year in advance. If the mother is entitled to more than this, the residual part will not be paid in advance but the municipality will assist in the enforcement as mentioned above reg. spouse support.

Approx. 15 per cent of Danish children (below 18) receive this support from the municipality. The collection rate is above 90 per cent.

### **Concluding remarks**

As far as the role of the state is concerned we are still witnessing a development where spouse maintenance is of diminishing importance and where the important means of subsistence apart from a wage are the different kinds of social benefits and the Social Assistance. The obligations - and rights - of marriage are not extended to cohabita-

tion as far as spouse maintenance is concerned.

Though biological parenthood is attributed more and more importance it does not influence the traditional support from the state towards lone parents, especially the advanced payment of child maintenance (the normal contribution).

The obligation to pay for children is not - and has not for decades - been connected to marriage, but to parenthood.

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## PARENTS AND THEIR DEPENDENT CHILDREN

In this section the focus will be on the distribution of financial obligations between the family and the state concerning children. Referring to the figure in the introduction about the relations and functions of the family, this section concerns itself with the questions of:

- ▶ How long parenthood lasts in relation to the age of the child.
- ▶ How the function: economic support is defined.

The conditions and forms of intervention by the social authorities in cases where parents do not fulfil their obligations as caretakers and supporters, are described at the end of this section.

### **The length of childhood**

The obligations of parents to support their children is stated in both family and social legislation. This obligation stops when the child becomes of age which is in this respect 18 years. This is reflected in other legislation, as the age of eligibility to claim social assistance and education allowance. Accordingly the obligation to support disabled children, is also taken over by the state at this age, where they will be granted a social pension.

Another exception exists for child maintenance after divorce, as this can be expanded to cover costs of education to the age of 24.

In principle there is no lower age limit for *taxation* - but children below the age of 15 are only obliged to declare if they have taxable income or own property. All their income is taxable, except for the "normal child maintenance" (see the section about divorce and separation). It should, however, be noted that *young people* under 23 years without responsibility towards a spouse or children receive a smaller benefit. The amount

depends upon whether they live with their parents, they have been working, or are pregnant. It has been much debated whether or not young people should be supported by their parents instead of the public. However, instead of extending the family obligations the outcome has been to offer them low-paid employment and to lower the benefit. Different rules are set up in order to prevent parents from transmitting income or property to minor children in order to avoid or reduce taxation.

According to a survey in 1994 one-third of 10-17 year-old children have a regular job, working on average 6½ hour per week, thus supplementing their pocket money but not earning so much that it becomes taxable (Betaenkning nr. 1257, 1993).

### **Sharing the costs of children?**

The costs of bringing up children are to some extent shared by the state in different ways through as well benefits in cash and benefits in kind.

#### **Benefits in cash**

The *benefits in cash* consist of the family allowance and the supplementary children allowances.

The *family allowance* is paid to all families irrespective of their income (it was introduced as a compensation for the removal of tax-deductions for children in 1987) and is non-taxable. The amount is 700 DKK per child per month for children below the age of 7, and 550 DKK for those between 6 and 18. The public costs amount to 6,6 billion DKK, and is financed by the central government (Plovsing, 1994). When public expenditure and the future of the welfare state is discussed this is one of the benefits under attack - more so from specialists in social



sciences than from politicians. (Amounts concern 1994).

The *supplementary childrens allowance* consists of different benefits paid to especially one-parent families but also to other families or children in very specific circumstances (both parents on early retirement pension, imprisoned or dead). The ordinary child benefit is paid to lone-parents on application, one benefit per child, while the extra child benefit is paid regardless of the number of children. The benefits are not income - or means-tested and are non-taxable. They amount to 650 DKK for the first child (per month) and to 350 for additional children. The extra child benefit amounts to 650 DKK per month. More than 100,000 families are recipients of this benefit and the total costs for the state amount to 1,5 billion DKK (Plovsing, 1994).

Special rules apply to parents of *disabled children* (below the age of 18). They are entitled to have the necessary expenses caused by the handicap covered by the municipal authorities provided that they amount to more than 2,500 DKK per year.

### Benefits in kind

*Benefits in kind* are of course first and foremost a question of child care. But it might be added that the *medical services* including general practitioners as well as hospitals are free of charge.

*Child care* is the responsibility of the municipalities according to the Social Assistance Act. They regulate, provide and finance the child care. The parents also contribute to the payment of the expenses, and though the payment is considered rather high, it can according to the Social Assistance Act only cover 30 per cent of the total expenses. The average payment was in 1992:

- ▶ For public day-care: 1,400 DKK per month per child.
- ▶ For crèches: 1,550 DKK per month per child.
- ▶ For kindergartens: 1,000 DKK per month per child.
- ▶ For school-care facilities: 700 DKK per month per child (Danmarks Statistik, 1994a).

Free child-care is granted to families with an income below 45,000 DKK a year. Families with an income in the interval between DKK 45,000 and 140,000 pay only a partial payment. These limits have been subject to changes during the last ten years in order to improve the situation of families with children. Furthermore parliament decided in 1991 in connection with the so-called *børnepakke* (childrens' package) that intervals for free care will be inflated in accordance with other social benefits (Plovsing, 1994). The expansion in the provision for day-care is illustrated in table 3.

The coverage-rate for child-care has for children below the age of 3 increased from 40 per cent in 1982 up to 50 per cent in 1994, and for the age group 3-6 the increase has been from 55 per cent up to 80 per cent. Though the coverage-rate is rather high there are still waiting lists in the municipalities. This caused a "guarantee" from the

**Table 3. Coverage-rate with day-care provision. 1980-1994.**

	1982	1985	1990	1994
0-2 years	39.5	42.5	47.2	50.1
3-6 years	54.8	59.7	71.0	80.3
7-14 years	8.7	10.2	14.7	24.4

Coverage rate includes the percentage of children in day-care, crèches, kindergartens and school-clubs in the relevant age-category.  
Source: Danmarks Statistik, 1994b.

central government that all children should have day-care provision. As mentioned above, provision of day-care is not the responsibility (or financial commitment) of the central government. Nevertheless 200 out of 275 municipalities have issued such a guarantee following up this declaration by the Prime Minister.

Where waiting lists exist, preference is given to families with an apparent need e.g. single working mothers, and to children who according to the social authorities are in need of day-care due to social/pedagogical reasons.

The *ideological* trend in the 1990's is different from that in the 1980's, where emphasis was put on family day-care and even home-care as opposed to institutional care. But as the figures show the trend has continued in the same direction: expansion of day-care provisions.

This expansion is on the one hand a necessity because of the high female labour market participation rate, but is on the other hand expensive for municipalities. In an effort to reduce request for day-care, or to give the parents a free choice between care outside home or in the home, the legislation from 1994 offers the possibility for the municipal council to pay a supplement to private care (in the home) provided the child is between 24 weeks and 2 years old, and on conditions that a need for day-care can be documented, and that this need is met in this way. The maximum support is 20,000 DKK a year which should be compared to the average payment for a place in a creche (31,000 DKK). As the parents' payment is only supposed to cover one-third of the cost, the actual municipal costs are on average close to 100,000. So, from this point of view, a supplement of 20,000 is a cheap solution.

At the same time a special *parental leave* was introduced with the mixed objectives of reducing

unemployment, giving parents the opportunity to be at home with their children below the age of 8 and reducing the need for day-care. Parents can take a one year leave for each child. The benefit amounts to 80 per cent of the unemployment benefit (from 1995 reduced to 70 per cent). If the child to whom the leave is related is between 0-2 years he or she can not make use of day-care provisions, and if the child is between 3-8 only a part-time place is allowed.

This leave has been very popular as more than 70,000 families have made use of it - almost exclusively women. However, it is also criticized from many points of view: it is expensive, it may in the long run undermine the position of women in the labour market, and it is especially problematic in parts of the public sector, being frequently used by nurses, pedagogues etc.

*Homehelp* can be given occasionally to relieve parents with a disabled child at home. Below a certain income (the level of old-age pension supplemented with different benefits) this is free of charge. Above this level there is an income-related payment.

If a daily help is needed the costs will be covered by the municipality. These rules were introduced as a consequence of the policy of de-institutionalization.

*Costs of education* is no great issue in Denmark as it is free of charge. That goes for basic compulsory education (9 years of schooling) and also for further and higher education. Most children attend the public schools *folkeskolen*, and for many years around 10 per cent of children attended private schools. In recent years an increase in this proportion up to 12 per cent has been observed.

Public support for private schools is an old tradition, with the purpose of giving the parents a

choice between different ideologies (religious or pedagogical). Parents of private pupils pay only between 6,000 and 10,000 DKK a year.

From the age of 18 pupils or students have access to the *educational grant*. The grant is dependent on whether the student still lives with the parents or on his/her own, and between the age of 18 and 19 it also depends on the income of the parents. Above the age of 19 the grant is related to the income of the student him/herself.

The grant is 2,000 DKK per month for a student still living with the parents and 3,500 DKK for a student living alone.

The total public expenses were (in 1990) 4,3 Billion DKK.

## Concluding remarks

Since the introduction of the non-taxable family allowance in 1987 there has been an increase in the state support for families with children. We have seen an increase in the amount in 1990 and again in 1991 where a special *børnepakke* (children's package) was passed in parliament, increasing the benefits and increasing the limits for parents' payment for child-care. Lately we have seen the child-care guarantee introduced. The only opposite trend - that has been very popular with the mothers - is the new parental leave, that as an effect might weaken the position for women on the labour market.

## The take-over of parental responsibilities

### Introduction

The access to and the responsibility of the state to take over parental responsibilities has always been

subject to serious debate. On the one hand we have the position that the state must protect children even against the parents if it is deemed necessary. On the other hand we find the position of those who claim that almost any intervention towards the rights of the custodial parents is a breach and violation of the private domain of the family and also of human rights.

The pragmatic - but not easy solution found to solve this dilemma - is to set up strict rules regulating the conditions under which authorities are allowed/obliged to intervene as well as the procedure in which this serious step can be taken. But this is not enough: demands of quality in the measures used must also be formulated.

Up till 1958 the intervention of the social authorities would imply the removal of parental custody of the child. In 1964 the ideology that the child should remain at home if at all possible was formulated. Where this was not possible, foster care was given priority to institutional care.

## Concepts and statistics

Statistics about replacements outside the home will frequently cause public concern, especially as there in periods has been a rather considerable increase in the number of placements. But changes in legislation and ways of registration have complicated the interpretation of the statistics considerably.

Approx. 1.0 per cent of children and youth below the age of 20 are placed outside home. (Nygaard Christoffersen, 1993b), but since 1965 the proportion of those placed without consent of the custodial parents has decreased from more than 33 per cent down to approx. 6 per cent (1992). Another change concerns the fact that the proportion in foster care has increased considerably from one sixth in 1950 to almost 50 per cent today.

One reason for this has been a municipal wish to reduce costs - another the dominating de-institutionalization ideology. Furthermore there has been a change in the age-composition of the children, with an increase in the proportion of those aged 15-17 (Nygaard Christoffersen, 1993b). This change is probably due to an expansion in the specific offers (boarding schools, alternative placements) for this age-group. Placements outside the home cover a wide range of measures, that should rather be considered as financial support to the family than as the takeover of parental responsibilities.

An analysis of a specific cohort (born in 1967) gives perhaps a better impression of the size of the phenomenon as it is shown, according to files, that 6,8 per cent of this generation has for shorter or longer periods experienced placements outside home (Nygaard Christoffersen, 1993b).

### Conditions and measures

The obligations of the municipal authorities to monitor the conditions of children and youth is stated in the Social Assistance Act, as are the rules about the public intervention towards families and children. The law was changed in 1992 based on a White Paper from 1990 (Betænkning nr. 1212).

The main changes are that the conditions for intervention are more specified, that interventions mainly taken in order to give financial assistance are treated separately, and that the authorities are put under obligation to set up a so-called "plan of action" (*handleplan*) for the child. The aim of the plan is to force the authorities to consider explicitly the aim and the time-perspective of the intervention, and to introduce a dialogue with the family about this plan as part of the whole process.

If a child is supposed to be in special need of

support, the municipal council is obliged to set up an *investigation of the conditions* of the child. Such an investigation must as an outcome have a motivated conclusion about whether intervention is needed and, if so, what kind of intervention.

This investigation necessitates the acceptance of the parent and also of the child from the age of 15. But if the investigation is considered to be necessary in order to decide if there is an *apparent* risk for *serious* damage to the health or development of the child the investigation can be instigated by a special subcommittee (*Børne- og unge-udvalget*). *With the consent of the custodial parent (and the child aged 15)* the municipal council can decide the following interventions, if they are considered to be of essential importance because of the child's special need of support:

1. Different kinds of counselling e.g. that the child should attend leisure-clubs, centres, special education.
2. Practical and pedagogical support in the daily life of the family.
3. Family-therapy in the home or in an institution for the whole family.
4. To relieve the family for the child in a shorter period.

The expenses connected to the different interventions may be covered by the municipality and county, if the parents cannot afford to pay themselves.

The law also gives the municipality the possibility to give financial support to a family with the aim of preventing the placement of the child outside the home or vice versa, with the aim of making the return to the home possible or to keep up contacts between child and parents if the child is removed. This support is not means-tested. The

municipality can also pay the expenses for the child's stay in a boarding school, if the parents cannot afford this.

Finally, the authorities can decide to place the child outside the home.

The controversial issue is when decisions can be taken *without the consent* of the custodial parents (and the child).

The interventions mentioned above under 1-4 can also be taken without consent, if it is considered to be essential for the child's special need of support and it is furthermore considered feasible to accomplish the goals in spite of the lack of consent.

The most serious intervention is that of *placing the child outside the home against the will of the parents*.

This intervention can take place if there is an *apparent risk* that the health or development of the child will be *seriously damaged*, because of:

- ▶ Insufficient care or treatment of the child.
- ▶ Violence or serious violations.
- ▶ Problems of abuse, criminal behaviour of the child or other heavy social difficulties with the child or
- ▶ Other behavioural or adaptational problems,

and it is established that the problems cannot be solved if the child remains at home.

A decision about placement outside home can also be made on *the application of a child aged*

*15*, if the placement is essential to the specific needs of the child and the problems can not be solved if the child remains at home.

The law stipulates a number of *formal conditions* that a decision taken against the will of the parents must meet, among others to set up an action-plan and to give an account of the attitude of the child toward the intervention in question. The parents are entitled to free legal advice from a lawyer.

The decisions are taken in a special subcommittee (*Børne- og unge-udvalget*) consisting of three members appointed by and from the municipal council, a local judge and an expert in pedagogical and psychological issues.

The decision can be appealed as a first step to a social administrative board but as a next step to the high court.

## Concluding remarks

The dominant trend in the takeover of parental responsibilities has been that of substituting institutional placement with placement in foster families. In the legal field stricter rules have been imposed on the municipal authorities in order to promote a better quality in the measures taken. Furthermore rights have been granted to children to be involved in the process and for children aged 15 to initiate actions from the authorities.

# CHILDREN AND THEIR DEPENDENT PARENTS

## Introduction: The diminishing role of the family

Traditionally, the family has been involved in the provision of service and care to the elderly. However, since the 1950's a marked rise in the female labour market participation rate has reduced the potential for care takers within the family as this has customary been a female task.

Over the past 25 years it has furthermore become less and less common for the younger and the older generations to live together. In 1962 almost 1/5 of the elderly (aged 70 and above) lived with a child. Today (1988) this is only the case for less than 5 per cent (see table 4). Usually, the elderly live with a spouse or on their own. A few elderly have moved in to shared housing for elderly which public policies have made more attractive by contributing to construction costs and offering housing benefits.

The contact between older people and their children is not as close as it once was (Platz, 1993b). In 1988 one-third had been together with a child the same day or the day before as against more than half in 1962. It was however only the

number of very close contacts that have decreased. Thus approx. 80 per cent (of those with children) have within the last week seen a child, in 1962 as well as in 1988. Adult children are also willing to assist their parents, but mainly with minor tasks.

The organisation of service and care to the elderly has as a response throughout the last century in Denmark been characterized by *increasing public influence and regulation*. Accordingly the elderly - and their families - today take public provision of service and care for granted. The relation between the elderly and their children has thus become one of independence as most services are financed, regulated and provided by the State or the local authorities.

## The public responsibility

There exists (as mentioned above) no obligation for adult children to contribute to the support of their parents. *The provision, payment and the regulation of services and care for the elderly is as the overall rule the responsibility of the public*, however, divided out to different administrative levels. The legal basis of the public social services is the Social Assistance Act. This Act stipulates

**Table 4. Household composition among older people in private dwellings aged 70 years and over. 1962, 1977 and 1988. Per cent.**

	1962		1977		1988	
	Males	Females	Males	Females	Males	Females
Living with children	19	18	9	5	3	4
Living with others	7	11	6	5	5	2
Living with spouse	52	30	62	29	62	24
Living alone	22	42	24	61	30	70
Total	100	101	101	100	100	100

Source: Platz, 1995.

what kind of social services should be offered to the citizens and which agencies have the responsibility and/or the financial obligation. The Ministry of Social Affairs draws up more detailed instructions, circulars or recommendations. The predominant principle is that the municipalities provide the social services, but a number of tasks are performed by the counties. The liberty of the local and regional authorities, however, is extensive. In general it is stipulated that the local municipality, the county or both are obliged to provide the necessary number of places in residential homes or hospitals and sufficient domiciliary care. But it is largely up to the municipalities or counties to assess the number of places necessary or sufficient. Also the financing of the social services is in general decentralized. This extensive liberty of the local authorities implies some variations in quality and quantity between the local municipalities and between the counties.

The counties are responsible for the regulation and funding of the *health care*. The primary health care, provided by general practitioners and special clinics in a co-operation between the medical doctor's organisation and the counties, is financed through taxes, and free of charge. Secondary health care, e.g., hospital care, is provided and financed by the counties and is therefore also free of charge.

The municipalities are responsible for *residential homes and domiciliary care*, a division that has given rise to criticism between the two administrative levels each claiming that the other shirk the responsibility.

### **The principle of community care**

The service and care offered by the municipality ranges from care in the home to residential care

where the former is given priority. The guiding principles behind this, set up by the Commission for the Elderly in 1988, are

- ▶ Continuity in life.
  - ▶ Self-determination.
  - ▶ Independence and dignity.
- (Ældrekommissionen, 1982)

To obtain this the principles of de-institutionalization were introduced and implemented, but the viewpoint that domiciliary care is less expensive than institutions did no doubt also influence the change. (A recent report shows nevertheless, that this is not always the case if domiciliary care fulfils all the necessary demands of the very weak (Christensen & Boll Hansen, 1993).

A new Act concerning housing for elderly and disabled persons came into force in 1987. As a consequence of the Act, no more nursing homes and sheltered housing have been built since January 1988. All newly established special dwellings now fall into the category "housing for the elderly". These dwellings must be suitable for disabled persons and consequently provide access for people in wheel-chairs, lifts and ensure that e.g. the home help has easy access to the bed. But the dwellings do not necessarily have any special services attached as did the nursing homes. The basic idea behind the act was, however, that some of these dwellings should offer services to the elderly equal to the services of nursing homes, while avoiding the atmosphere of institutions. This should be provided by so-called service areas. Service areas may consist of day-centres, rehabilitation, emergency office, central kitchen, cafeteria, offices and staff quarters. It is an ongoing discussion, whether the supply of service areas is sufficient. A current survey (Danish National Institute of Social Re-

search) may contribute to the answer. The municipalities receive some reimbursement for the establishing costs from the state, and as a consequence of the criticism the financial support has been improved in 1993 in order to give the municipalities incentive to build more service areas, allowing the more frail elderly to live in appropriate housing.

The elderly pay rent as they would in their own home, which means that they receive a housing benefit. Access to housing for the elderly depends on municipality assessment and varies between municipalities. In 1992, around 12,000 people were on a waiting list for a dwelling suitable for elderly (Platz, 1992).

*Day-care homes* function to some degree as a substitute for nursing homes in so far as the elderly during the day time can make use of the same professional care and service as in a nursing home. The elderly must be accessed to the day-care homes by the municipality. In this way many elderly are enabled to remain in their own home. Day-care homes are established (1990) in at least 2/3 of the municipalities.

*Meals-on-wheels* is offered in most municipalities. The elderly pay 40 per cent of the costs which amounts to approx. 35 DKK per meal. In 1991, 45,000 pensioners made use of the meals-on-wheels. The delivery of meals has until recently been a public domain but is today in some municipalities contracted out.

In the public *day-care centres* the elderly can take part in sociable activities such as language courses, day trips etc. The elderly pay a small amount of the costs. The access is free.

*Local clubs and organisations for pensioners* exists in most municipalities. They work on a private basis and offer educational activity, visits in the home, and social activities.

## Domiciliary care

When the elderly are staying in their own home they are offered different kinds of domiciliary care.

The community *home help system* has played the most important role in the home care for old people since the late 1960's. The number of recipients of home help is relatively high, especially after the implementation of the principle of 'staying as long as possible in your own home' which has meant that a greater number of elderly need home help. The home help is awarded as either a provisional or as a permanent service, but most elderly make use of the permanent home help. The need for help is closely connected with age; for those between 67 and 80 years, 14 per cent receive help whereas 45 per cent of those above 80 years make use of the home help system (Danmarks Statistik, 1994a). There seems to be a gender aspect in so far as more men than women living alone need help. However, this can to some degree be explained by age and functional ability (Holstein et al., 1991). More outstanding is the relationship between help from social networks and help from the public. One study shows that the elderly who already receive help from the informal network seem to supplement this with public home help. The number of recipients of home help can thus not be an indicator of the number of elderly without a social network (Holstein et al., 1991). However, the study also confirms that home help is often provided to elderly who lack quality in their life and constitutes an important resource for these.

The municipality will assess the need for help in accordance with a *principle of household*. This implies that a frail elderly is expected to receive help from the spouse if the spouse can manage this. Otherwise, a home help will be offered.



The elderly receive help with cleaning, shopping to some extent, getting in and out of bed and personal hygiene and dressing. The home help service is free of charge since 1987 and is provided regardless of the economic situation of the recipient (and of the household). A few years ago, user's payment was introduced but abolished again after a short period of heavy dispute. The home help system is fully decentralized according to the principle that the municipality is the prime observer of needs and wishes. The municipality is responsible for organizing and training the home help corresponding to the level that the municipality finds necessary. This has created some geographical differences in the supply and quality of home help.

The coverage rate has been stable since the beginning of the 80's (see table 5), but with a growing population of elderly, the number of recipients has increased from 141,500 households in 1980 to 180,700 in 1993. This has as a consequence increased the number of home-helpers and of others providing care for the elderly (see table 6) from 78,300 in 1983 to 90,958 in 1994.

**Table 5. Permanent home help, rate of coverage in percentage. 1980-1990.**

	1980	1985	1990
67-69 years	9	9	9
70-74 years	15	15	16
75-79 years	28	28	28
80-84 years	43	44	45
85 years and over	60	58	62

Number of households with home help per 100 elderly minus the number of residents in nursing homes.

Source: Plovsing, 1994.

**Table 6. Number of full-time employed providing for the elderly in selected years.**

1983	1985	1990	1994
78,300	81,500	87,200	90,958

Source: Danmarks Statistik, 1994b; 1995.

At the same time, however, the number of hours rendered was cut for those who only need assistance with cleaning, in order to allocate the resources to personal care (Platz, 1993).

Given the increasing number of older - and thereby more frail - elderly and the policies of de-institutionalization it is questionable if a provision of home help of a duration from 1-3 hours per week will continue to be sufficient for the majority. If not it could be envisaged that adult children would have to step in to a larger degree than what is expected at present, in order to assist with cleaning, shopping and the like, while personal care will probably still be provided for publicly. Nevertheless, the elderly themselves put much weight on independence from the family and have through successful grassroot protests emphasized how important it is to maintain this independence.

*Home nursing* is presently provided on a short-term basis after discharge from hospital. The nurse gives injections, changes catheters and performs other medical functions. Nursing care has expanded 100 per cent since it was set up in 1980 till 1990 where 5,700 were employed as full-time home nurses. The service is free of charge and a 24-hour domiciliary care staffed with nurses is found in 9/10 of the municipalities (Platz et al., 1993).

Adults who are suffering from a permanent handicap or sickness are entitled to receive free

*aids and appliances* independent of their income. The only requirement is that this should enable the individual to attend his/her work or that the help will ensure an improved daily life for the recipient.

If a person is dying and a close relative wishes to take care of the person a new amendment has made it possible for a family member to receive a *compensation for the loss of income*. As Denmark has only recently established hospices (one), this has been introduced as an alternative and according to a wish from especially the increasing number of Aids patients and their families. The introduction of the care compensation scheme also reflects the ideology that many people are better off being taken care of in their own home instead of in a hospital.

## Nursing homes

With the building of the housing for the elderly, nursing homes have gained a residual function (see table 7).

Places are few: 10.7 per cent of those above 75 years can be admitted to nursing homes as against 15.5 per cent 10 years ago, and the access is closely connected to the mental and physical state of the old person. The service rendered in nursing homes is quite extensive including food, clothing, practical assistance, cleaning, practical aids, hairdressing, pedicure, therapy, leisure activities, etc. The adult children serve a social role and little more.

The municipalities bear the responsibility for setting up nursing homes and receive some state reimbursement for the daily costs. The nursing homes are for the most public, but always non-profitable. Some have argued for profitable nursing homes but this argument has gained support only from very conservative parties. Until now, pensionists have paid for the stay through withdrawal of the old-age pension (leaving some pocket money) and 60 per cent of any supplementary income. The elderly are thus expected to pay themselves, independently of the adult children. Residents have as a new rule (1994) the possibility to retain their pay

Table 7. Nursing homes.

	1980	1985	1990	1992
Number of places in 24-hour institutions for elderly	49,130	49,740	44,850	40,450
Percentage of coverage of nursing homes per 100 residents				
75-79 years	5	4	4	3
80-84 years	13	11	9	7
85-89 years	28	24	20	17
90-94 years	46	43	36	33
95 years and over	66	62	56	52
Number of places in nursing homes per employee	1,24	1,12	1,03	1,04

Source: Plovsing, 1994

pension and pay themselves for meals, hairdresser etc. The idea of this change is not to have them more, but to give them a choice as far as these supplementary services are concerned. There seems to be a considerable difference in what different municipalities claim for those costs.

### Concluding remarks

The institutional changes in the organization of service and care for elderly have far from substituted public care with informal care. *Adult children as prime care takers* of the elderly is not a common phenomenon in Denmark and is unlikely to become one in the foreseeable future. The introduction in the 80's of a care compensation for those who would wish to care for dying relatives at home might be interpreted as an indicator of shifting the responsibility from state to the family but only as far as emotional support is concerned. The amount of this compensation will as a maximum be equivalent to the wage of a home-helper.

In 1992, 670 persons made use of this possibility (compared to 60,000 deaths).

Another issue is the perception of *intra-generational informal care*, the provision of care between the elderly themselves. The spouses are in general expected to help each other with the daily routines and are also in reality the most important source of help. The principle of individualization is therefore disregarded with regard to the home help since it is dependent upon the household as a whole, but this seems in general to function satisfactory.

Privatization of service and care has not taken place except for the contracting out of the meals-on-wheels. But as mentioned above, there is an ongoing public discussion, even a discussion *within* the government about both contracting out of services for the elderly and of payment for supplementary services. The idea behind this is not to shift the responsibility to the children but to make the coming generation of elderly pay directly themselves for the expected expansion in the services that they (we) will probably demand.

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