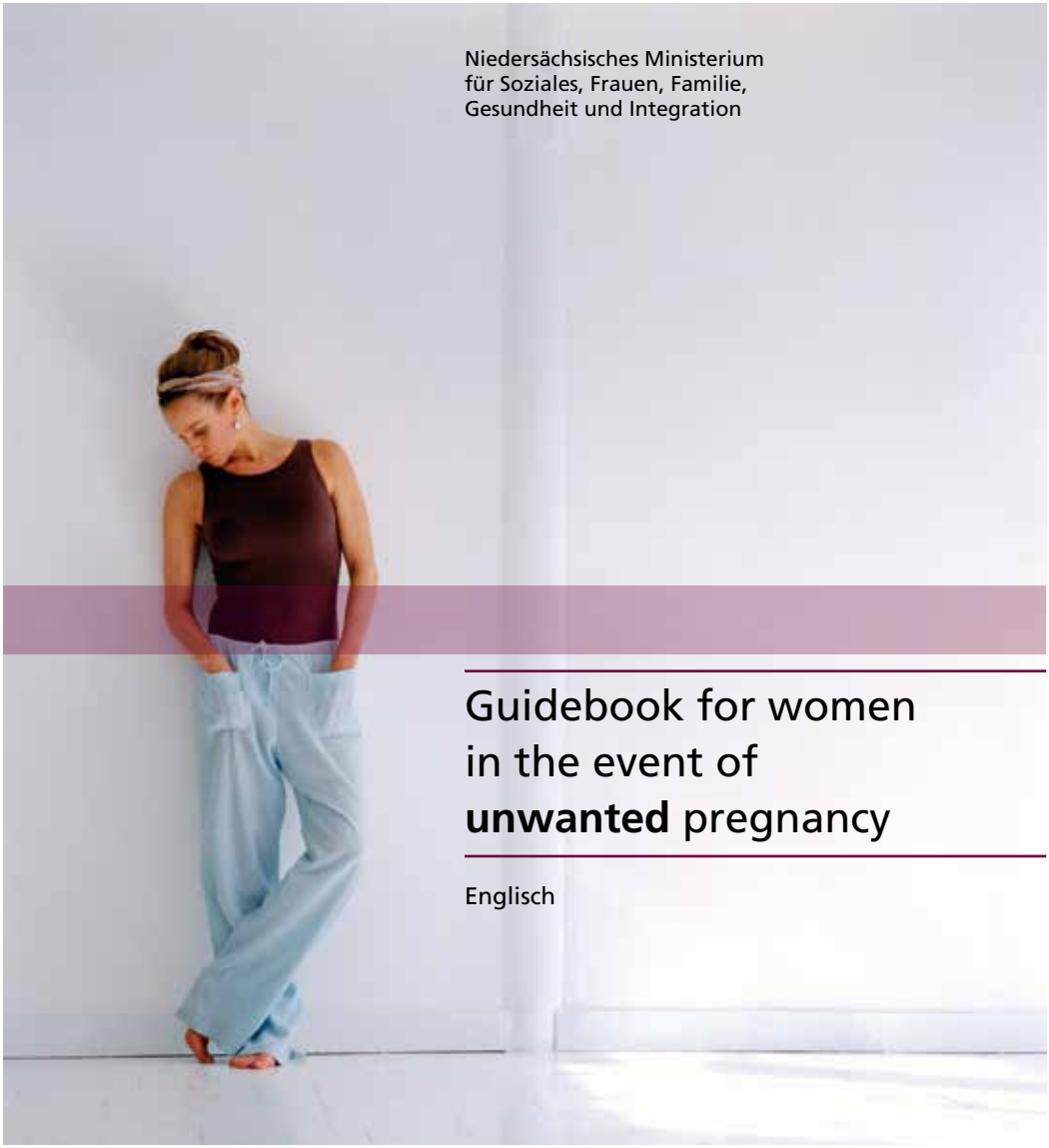
Niedersächsisches Ministerium
für Soziales, Frauen, Familie,
Gesundheit und Integration



# Guidebook for women in the event of **unwanted** pregnancy

Englisch

Niedersachsen

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# Introduction

A pregnancy can cause happiness, joy and hope. But it can also result in worry, fear and uncertainty, above all if a woman did not intend to get pregnant or if the woman is threatened with health problems by the pregnancy.

In Lower Saxony there is a comprehensive network of around 250 officially approved pregnancy advice centres, which offer pregnant women in a difficult situation comprehensive advice. They also provide information about the various assistance and support possibilities for pregnant women - such as the national foundation „Mother and Child - protecting unborn life" („Mutter und Kind – Schutz des ungeborenen Lebens") and the state foundation „Family in Need" („Familie in Not").

In many cases difficulties and problems that initially seem impossible to overcome can be resolved with the help of expert advisers.

Women and their partners who are looking for advice will find a list of officially approved pregnancy advice centres in Lower Saxony in a separate brochure or in the internet under: www.ms.niedersachsen.de > Themen > Beratungs- und Serviceangebote > Schwangerschaftskonfliktberatungsstellen

If a woman has become pregnant without intending to and decides on a termination after receiving the advice prescribed by law, the Guidebook provides information about the conditions under which a legal termination is possible and about the individual steps necessary for carrying out a termination. Information is also provided about important questions for women with no or low incomes about the how the costs for a termination can be met by the State of Lower Saxony. In addition, the Guidebook specifies the conditions for a termination in the event of medical or criminal circumstances.

# Starting point

If a woman has to decided to have a child, legislators have provided a range of possibilities to support and advise the woman.

Every woman and every man has the right to advice on the following issues:

- Sex education, contraception and family planning,
- Existing services to help the family and help for children and families, including special rights in working life,
- Medical examinations in the event of pregnancy and the costs of the birth:
- Social and economic help for pregnant women, especially financial benefits and help in looking for accommodation, work or an apprenticeship or retaining these,
- The possibilities of help for disabled people and their families, available to those who have a physically or mentally disabled or mentally ill child, before or after the birth,
- The methods of carrying out termination of a pregnancy, the physical and psychological consequences of a termination and the associated risks,
- Possible solutions to psychological-social conflicts in connection with a pregnancy, particularly in the event of suspicious prenatal examination results,
- Legal and psychological viewpoints in connection with an adoption.

In addition, you will find help and support in making claims, in looking for accommodation, in looking for child care possibilities and in the continuation of your apprenticeship.

The foundation "Familie in Not", founded by the Lower Saxon State government, helps families that have got into difficulties as a result of unforeseeable events with financial benefits.

An additional focus of the foundation's activities is material help for pregnancy and birth. The foundation assigns funds in Lower Saxony from the national foundation "Mutter und Kind – Schutz des ungeborenen Lebens".

This help can is intended to purchase for example maternity clothes, equipment for a baby or changing accommodation.

More detailed information on this issue and on additional possibilities for financial support are given by pregnancy advice centres among others.

An unwanted pregnancy can put a woman into a conflict situation. She is faced by the decision of whether she can or wants to have a child (or another child)

Help and support in solving possible conflict situations and information about the conditions under which a woman is not subject to criminal prosecution when considering a termination is offered by all officially approved pregnancy advice centres.

# The first step: Consultation

If you are pregnant and considering a termination, according to the law the provision of consultation is generally always stipulated, as long as there are no criminal circumstances.

A termination without such circumstances can only take place up to 12 weeks after conception and only after prior consultation.
This consultation must be provided by an officially approved pregnancy advice centre.
The addresses of the officially approved advice centres in Lower Saxony are recorded in a separate brochure.

You have the right to anonymity towards the person advising you. You will receive advice, information and help with all questions in connection with a possible pregnancy difficulty in the consultation.

The consultation may also include several consultation meetings. The consultation has to be held without any prejudging and you make the decision. The advice centre must issue you a consultation certification at the end of the consultation stating your name and the date. The consultation is free of charge.

In the event of medical circumstances requiring a termination, including after the 12th week of pregnancy, the doctor is legally obliged to provide you with consultation. They will thus inform you about your entitlement to additional and deeper psycho-social consultation and will also make contact with advice services - if you agree. You can expressly waive your right to consultation. However, the medical and psycho-social consultation you are entitled to will definitely help you to make a decision. You can receive psycho-social consultation at pregnancy advice centres in Lower Saxony.

If you go to a doctor for consultation it is important for you to know that this doctor cannot carry out the termination under any circumstances.

The consultation should take place as early as possible so you can consider your options in peace and quiet and do not have to make a decision under time pressure.

# Conditions for a legal termination - the three possibilities

1. Termination after consultation without any special circumstances (consultation regulation) is against the law but is not punishable if:

- it is carried out within 12 weeks of conception,
- it is carried out after consultation by an officially approved pregnancy advice service,
- where there must be a period of at least 3 days between the consultation and the termination and
- the termination is carried out with submission of the consultation certification by a doctor at the request of the pregnant woman.

This also applies to a medical termination. However, it is only permitted to carry out such a termination up to 63 days since the start of the last period.

2. Termination with medical circumstances is not against the law and not punishable if:

- it is carried out by a doctor
- with the pregnant woman's consent and
- the procedure is necessary in accordance with medical opinion taking account of their current and future life circumstances in order to prevent danger to life or the danger of a serious impairment of the physical or mental health of the pregnant woman.

The health of the pregnant woman is decisive. In the event of expected damage to the child the damage itself cannot lead to the existence of medical circumstances, but that this damage

# The second step: Clarification of how the costs will be met

will lead to an unreasonable physical or mental impairment for you. The doctor must initially inform you about your entitlement to further and deeper psycho-social consultation and make contact with advice centres with your consent. They can only issue the written findings on the existence of medical circumstances after a period of three days after opening the suspicious prenatal diagnostic results or of the medical consultation. This time for consideration does not apply if a considerable, current health danger to you has to be prevented. Consultation by an advice service is not stipulated.

3. A termination with criminal circumstances is not illegal and not punishable if:

- according to medical findings made on the pregnant woman rape, sexual coercion or sexual abuse has occurred,
- there are compelling grounds to assume that the pregnancy relates to a crime,
- not more than 12 weeks have passed since the crime
- and the procedure is carried out by a doctor
- with the pregnant woman's consent.

In the event of criminal circumstances consultation about a termination is not stipulated, but you can, of course, claim this.

It generally applies to all terminations that the doctor who carried out pregnancy advice consultation or identified special circumstances is not permitted to carry out the termination.

In the event of terminations due to medical or criminal circumstances woman who have statutory health insurance are refunded the costs by the statutory health insurer.
Privately insured women should find out in advance from their private health insurer whether the costs for terminations due to medical or criminal circumstances will be met, because the regulation on meeting costs can be different at the various private health insurers.

Terminations in accordance with the consultation regulation will not be financed either by the statutory or private health insurers and you therefore have to pay for them yourself.

However, if you have statutory insurance the health insurer will meet the costs for those medical services that go beyond the actual termination procedure, such as preliminary examinations or the follow-up treatment of any complications in connection with the termination (for details see Section 24b Para. 3 SGB V from page 59). If you are privately insured your health insurer will inform you which costs will be met for certain medical services in connection with a termination in accordance with the consultation regulation.

If you have to pay for the termination yourself, you should ask your doctor how much it will cost in advance. According to experience you will have to expect about 250 € for a medical termination without complications and about 350 € for an operational out-patients' termination.

The basis for doctors' private invoicing is the Fees Regulation for Doctors (German abbreviation GOÄ). It is only permitted to invoice services for terminations in accordance with the consultation regulation up to 1.8 times the fee rate.

If you have to have the termination carried out as an in-patient for medical reasons, find out in advance how much it will cost from the hospital in advance because these costs can be different at various hospitals. In addition, the costs are significantly higher than for an out-patients' termination.

You also have to pay yourself only for the medical services for the actual termination, including in the event of an in-patients' termination, as well as the services for follow-up treatment in the event there are no complications.

In any case please make sure you do not sign any agreement for unnecessary, additional, optional medical services that would be an additional financial burden.

## Under which conditions will the State meet the costs?

The State of Lower Saxony will meet the costs for women with a low or no income on the basis of the German Pregnancy Advice Act for a termination in accordance with the consultation regulation under the following conditions:

1. Your place of residence or usual domicile is in Lower Saxony.

2. Your monthly income is less than 1,033 €. The income limit increases by 244 € for each child dependent on you if the child is a minor and belongs to your household or if the child is predominantly supported by you.

3. Any costs for accommodation (e.g. rent) for you and the children mentioned above that go beyond 303 € also increase the income limit but to a maximum of 303 € (Status: 1 July 2012, applies to all preceding amounts).

4. You do not have any assets available to utilise.

The income limit is adjusted annually on 1 July.

## The conditions for meeting costs will be deemed to be met if you receive

- ongoing assistance for living expenses in accordance with the Twelfth Book of the German Social Code (SGB XII),

- benefits to secure living expenses in accordance with the Second Book of the German Social Code (SGB II),

- educational support under the directions of the Federal Employment Agency for individual support for vocational education or

- for work and vocational support for the disabled or

- benefits in accordance with the German Asylum Seekers' Benefits Act or

- educational support in accordance with the German Educational Support Act or

- if the costs for your accommodation in an institution, home or an establishment of the same type are borne by a social assistance funding agency or youth welfare.

- You must apply for the costs to be met yourself - and you must do so before carrying out the termination
- Details about the income and assets of your spouse or parents must not be requested or included in the calculation.

An application must be also be made before the start of medical treatment for a medical termination, which begins on taking the medicine that will terminate the pregnancy.

Make the application for costs to be met by the State to your statutory health insurer, which will carry out the application procedure for the State.

Women in need who are privately insured can also make their application for costs to be met by the state through a statutory health insurer. The application procedure is described in more detail on page 14.

It is not possible for costs to be met retrospectively.

All services that are part of the procedure will be paid for women with low or no incomes who have a termination carried out in accordance with the consultation regulation, either by the State or their statutory health insurer.

It is not usually permitted to invoice any additional medical services necessary. If this is required nevertheless, this usually requires the conclusion of a service contract under private law, mostly in writing, between you and the doctor.

An additional lump sum fee cannot be demanded.

Any services that go beyond medically necessary provision, such as cosmetic surgery, carried out in addition to the termination can only be invoiced if they were provided at your request. You should always agree such services in writing.

## How and where can I apply to have the costs met?

Although the costs are borne by the State of Lower Saxony, the application must be made to the statutory health insurers.

If you

- are insured by a statutory health insurer you can get the application form from your health insurer;

- are not insured by a statutory health insurer you can get the application form from a funding agency of the statutory health insurer of your choice at your place of residence or usual domicile.

You have the right to have the application procedure carried out in writing by requesting the form by telephone from your (a) health insurer, completing it and sending it back.

So that you do not come under time pressure, if possible you should make your application in person at the health insurer and insist that a decision is made about your application immediately.

If you meet the conditions for having the costs met by the State (see page 12) the certification that costs will be met will be given to you straight away by the health insurer so that any possible long postal delays do not occur.

## Notes for women who are minors

The regulations specified also apply to you. You can make an application for costs to be met yourself. If your entitlement has been determined, the health insurer will issue a certification about meeting costs in response to your application.

The doctor or hospital is only allowed to invoice the costs of the termination to the State of Lower Saxony using the certification costs will be met issued by the health insurer.
You will get two copies of this certification from the health insurer; please give both copies to your doctor or hospital on the day of the termination. You will not have anything more to do with the invoicing yourself.

Please note that if you hand in your declaration that costs will be met retrospectively, your claim to costs being met by the State of Lower Saxony will lapse and you will have to bear the costs of the termination yourself.

# The last step: The termination

If you want to have a termination carried out in accordance with the consultation regulation, you will need the following documents.

- the consultation certification, which must include your name, date and the signature of the officially approved pregnancy advice centre;
- the certification that costs will be met from your (a) statutory health insurer;
- if you have statutory health insurance, you will need your health insurance card for the costs not directly connected with the termination and that are borne directly by the health insurer;
- on submitting information about special circumstances (see page 9), you will need the certification of special circumstances instead of consultation certification as well as your health insurance card, if you have statutory health insurance.

If there are special medical circumstances you will generally have to declare consultation and provision of an advice service or a waiver of this in writing before the medical circumstances are determined. This declaration is made to the doctor who usually does not determine the special circumstances until three days after the consultation. This rule does not apply if there is currently a considerable risk to your health or life.

A termination can be carried out as an out or in-patient. You can find out which doctor or hospital carries out terminations in your area from recognised pregnancy advice centres or from your health insurer.

Surgical or medical termination?

In Germany, as an alternative to a termination with conventional instruments (vacuum aspiration of curettage), there is the possibility to have a medical termination carried out.

You should make the decision about which method is suitable for you after detailed consultation together with your doctor.

It is not permitted to carry out a medical termination using the medicine Mifegyne® under the following conditions:

- if the pregnancy has not been definitely confirmed;
- if there is a suspicion that there is a pregnancy outside the womb (e.g. ectopic pregnancy);
- if the start of the last period was more than 63 days ago;
- in the event of severe and insufficiently treated asthma;
- in the event of chronic liver and/or kidney diseases;
- in the event of allergies against mifepristone;
- in the event of intolerance to prostaglandins:
- in the event of malnutrition;

The doctor treating will inform you about additional risks and possible side effects.

The most important differences in the individual termination methods are shown in the following table. You will of course also receive additional information from officially approved pregnancy advice services and from the doctor treating you.

## Consultation after a termination

If you still need to talk about anything or have any questions after a termination, you can also contact a pregnancy advice centre in your area, of course.

| | Medical termination | Surgical termination |
|---|---|---|
| Up to which point in time can the termination be carried out? | Up to the 63rd day, calculated from the start of the last period | Up to 12 weeks after conception. In the event of special medical circumstances also after the 12th week of pregnancy. |
| How is the termination carried out? | By independently taking medicines in your doctor's surgery | Through a surgical procedure requiring local or general anaesthetic. |
| How long does a termination take? | Several days; two medicines are taken at intervals of 36 to 48 hours; a check-up examination after 2-3 weeks | A few minutes; check-up examination after four to six weeks |
| What are the risks and side effects? | Abdominal bleeding and pain, cramps, headaches, nausea, vomiting, diarrhoea, fever, drowsiness, incomplete termination in 1 - 4% of cases | Injuries in the area of the cervix and womb, infections possibly causing infertility, anaesthetic failures |

## Claims to continued pay and sick pay

There is a statutory entitlement to continued pay for every termination carried out by a doctor.

In the event of a termination in accordance with the consultation regulation without special circumstances you will receive a certificate of incapacity for work as in the event of illness, however, you will not receive sick pay for the time of incapacity to work as a result of the termination.

In the event of a termination with special circumstances (See page 9) you will receive a certificate of incapacity for work as in the event of illness. Sick pay will be paid by the health insurer.

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