

Terugwerkende kracht



Soms koopt of realiseert de cliënt een voorziening. Het kan dat cliënt wil dat de gemeente die voorziening met terugwerkende kracht toekent. Of je een voorziening met terugwerkende kracht moet toekennen, hangt af van het lokale beleid. Ook is het van belang wanneer de cliënt de voorziening kocht of realiseerde.



Wat zegt de rechtspraak?

Er is weinig rechtspraak onder de Wmo 2015 over dit onderwerp. De experts van Schulinck verwachten dat Wmo 2007-rechtspraak van toepassing is:

Aanschaf/realisatie vóór melding

Geen noodzaak voor toekennen met terugwerkende kracht:

- Als cliënt deze voorziening voor de aanvraag realiseerde. *Uitzondering: acute situatie (1).*
- Achteraf vaststellen noodzaak niet nodig (2).

Let op! Bovenstaande geldt niet als de gemeente ruimer beleid hanteert (3).

De Wmo 2007 kende geen meldingsprocedure. De experts van Schulinck verwachten dat rechtspraak over aanschaf/realisatie vóór aanvraag van toepassing is.

Voorbeeldbeleid:

"Geen maatwerkvoorziening wordt verstrekt als de cliënt de gevraagde voorziening voor de melding heeft gerealiseerd of geaccepteerd, tenzij er sprake is van een acute noodsituatie waardoor het voor de cliënt dringend noodzakelijk was de voorziening te treffen"

Melding

Aanschaf/realisatie tussen melding en aanvraag

De experts van Schulinck verwachten dat rechtspraak over aanschaf/realisatie tussen aanvraag en besluit van toepassing is (4).

Voorbeeldbeleid:

"Geen maatwerkvoorziening wordt verstrekt als de cliënt de gevraagde voorziening na de melding en vóór datum van besluit heeft gerealiseerd of geaccepteerd, tenzij het college daarvoor schriftelijk toestemming heeft gegeven of de noodzaak en passendheid van de voorziening en de gemaakte kosten achteraf nog kan beoordelen;"

Aanvraag

Aanschaf/realisatie tussen aanvraag en besluit

- Gemeenten kunnen in verordening bepalen dat zij weigeren bij aanschaf/realisatie tussen aanvraag en besluit.
- Een uitzondering geldt wanneer:
 - de gemeente vooraf schriftelijke toestemming geeft of;
 - de noodzaak en passendheid achteraf te beoordelen is.

Besluit



Tip: maak beleid!

- Breng verordening in lijn met bovenstaande rechtspraak



(1) CRvB 11-02-2017, ECLI:NL:CRVB:2017:433

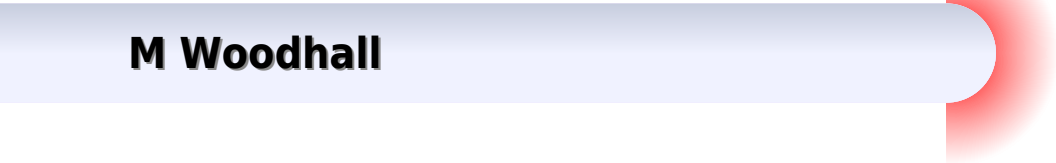
(2) Rechtbank Oost-Brabant 23-5-2014, ECLI:NL:ROBR:2014:3092

(3) CRvB 13-5-2020, ECLI:NL:CRVB:2020:1099

(4) CRvB 11-05-2011, ECLI:NL:CRVB:2011:BQ6485

Met Terugwerkende Kracht Gedichtenmonthlymijn Jongen Is Dood

M Woodhall



Met Terugwerkende Kracht Gedichtenmonthlymijn Jongen Is Dood:

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In a fast-paced world fueled by information and interconnectivity, the spellbinding force of linguistics has acquired newfound prominence. Its capacity to evoke emotions, stimulate contemplation, and stimulate metamorphosis is actually astonishing. Within the pages of "**Met Terugwerkende Kracht Gedichtenmonthlymijn Jongen Is Dood**," an enthralling opus penned by a highly acclaimed wordsmith, readers embark on an immersive expedition to unravel the intricate significance of language and its indelible imprint on our lives. Throughout this assessment, we shall delve into the book's central motifs, appraise its distinctive narrative style, and gauge its overarching influence on the minds of its readers.

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dalaran by rhonin at rhonin s request jaina took over the gnome mage kinndy sparkshine as an apprentice

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