

7th meeting “Legal issues and rights”

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LECTURE 2:

Legal Support

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Legal Support

OUTLINE

- I. Disability Compensation
- II. Disability Compensation Rate Tables
(FEK 5987/31/12/2018)
- III. Law 4074/2012 (Art.7,9,13,24)
- IV. FEK 4898/2018 (Art.29,40,41,45)
- V. Civil Code(Art. 128,129)
- VI. Civil Code(Art.1666-1684)
- VII. SUMMARY



LEARNING OUTCOMES

Participants will be able to

- identify the legislation which applies to their situation
- understand how the system works regarding accessing monetary allowances and facilities for their child and themselves
- demonstrate an understanding of the term Legal Capacity and their rights and obligations as Legal Guardians

I. Disability Compensation (FEK 5987/3 I/12/2018)

In addition to the diagnosis, the following are taken into account:

- Intelligence
- Social communication
- Degree of severity

And level of support:

- Support required
- Substantial Support
- Very substantial Support

Disability rate to be reassessed:

- At the age of 7
- At the age of 17



Disability benefits are available for children and adults with **autism or Asperger's**, provided they meet certain criteria



II. Disability Compensation Rate Tables

INTELLIGENCE	FUNCTIONALITY	Disability Percentage
Within Normal Limits	Higher	50%-67%
	Middle	67%
	Lower	67%-80%
Mild Mental Disability	Higher	67%-80%
	Middle	67%-80%
	Lower	> 80%
Moderate Mental Disability	Higher	> 80%
	Middle	> 80%
	Lower	> 80%
Severe Mental Disability	Higher	> 80%
	Middle	> 80%
	Lower	> 80%

III. Law 4074/2012 (Art.7,9,13,24)

- The State shall take measures to ensure that:
- children with disabilities exercise the same rights.
- persons with disabilities have access, on an equal basis with others, to the natural environment, means of transport, information and communications.
- persons with disabilities have effective access to justice on an equal basis with others, including the provision of procedural and age-appropriate facilities.
- persons with disabilities to an inclusive education system, at all levels and for the purpose of lifelong learning.

Inclusive education in
Greece :official policies



IV. FEK 4898/2018 (Art.29,40,41,45)

- **Day Care Centers/Day Care**

For children up to up to eighteen (18) years old with autism or mixed disabilities, a detailed medical diagnosis is required



- **Occupational Therapy**

Occupational therapies following a referral from a medical practitioner and a medical examiner.

- **Psychotherapies**

Psychotherapy treatments are prescribed by psychiatrists.

- **Children Special Therapy**

Special treatments for children and adolescents. The medical referrals are renewed every three (3) years. The above benefits may be extended beyond 18 years of age

V. Civil Code(Art. 128,129)

- **Definition of Legal Capacity**

“The individual’s ability to make legally valid decisions. The individual is subject to law and has legal rights and obligations.”

This includes children up to the age of 10.



HOW IS INCAPACITY DETERMINED?

THE LEVEL OF INCAPACITY CAN VARY DRAMATICALLY FROM PERSON TO PERSON



INCAPACITATED SINCE BIRTH

A person can be incapacitated by many different things caused by an illness, injury, or any medical issues since birth.



LEGALLY INCAPACITATED

When someone is legally incapacitated, they are unable to care for themselves and will need to have a legal guardian appointed.



GENERAL GUIDELINE

Determining if someone is incapacitated or not is by checking to see if they can relate adequately to the world around them.



DOCTOR'S TESTIMONY

A legal process will begin once testimonies from doctors and nurses who are providing care, including loved ones, are taken into account in determining legal incapacity.



PETITIONING FOR GUARDIANSHIP

You need to petition the courts to become a legal guardian if you believed your loved one is incapacitated and you will want to have an attorney to guide you throughout the process.

VI. Civil Code(Art.1666-1684)

- Deals with legal issues regarding Legal Incapacity
- Legal Incapacity is decided by the court or social services
- Court or social services officials and managers of mental health units can notify the courts of cases of Legal Incapacity
- Defines who is eligible to be making the decisions on behalf of a person of limited Legal Capacity or Legal Incapacity (Legal Guardianship)
- The Guardian must ensure that the defendant has the opportunity to form his / her personal relations, if his / her situation allows it.

VASQUEZ DE LARA LAW GROUP

WEBPAGE: [HTTPS://WWW.FAMILYLAWPROTECTION.COM/](https://www.familylawprotection.com/)

Reference: <https://www.familylawprotection.com/how-is-incapacity-determined/>

VII. SUMMARY

In this presentation entitled Legal Support the following points were highlighted

- **The Greek Constitution and Legislation offers protection and support of children and disabled people**
- **The Human Rights of disabled people should be respected**
- **The Greek State has established an allowance for people with disabilities according to the type and degree of disability**

VII. SUMMARY

- **It enshrines the Rights of children with disabilities of Accessibility, Access to Justice, Independent Living, Education and Integration to Society**
- **Legislates for Day Care, Hostels, Supported Housing, Occupational Therapy and Special Therapy for children**
- **It provides definitions for Legal Capacity and the procedure regarding Legal Guardianship**

REFERENCES

National Confederation of Persons with Disabilities

<https://www.esamea.gr/legal-framework/syntagma?tmpl=component>

(Online: 5/10/21)

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(Online: 8/10/21)

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THANK YOU!

*ADD HERE THE SPEAKER AND
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