

Abstract

Legal aspects of care for dependent persons

More than half a million people in the Czech Republic is directly affected by the issue of care for dependent persons. It concerns not only those who are relying on care due to a physical or mental disability, but also those who provide the necessary care. Regarding the providers, so-called informal carers constitute majority of them. They are often family members who provide care without any official formalization, contract, or registration. However, as a group, informal carers are repeatedly overlooked. While emphasising the rights, duties and needs of both dependent persons and carers, this paper aims to comprehensively evaluate the current legal framework regulating the care for dependent persons. Firstly, the system of care in the Czech Republic is generally described followed by the presentation of specific forms of care highlighting the position of informal carers. Secondly, the paper brings up an analysis of basic activities of daily living that are crucial for the assessment of dependence. Subsequently, the administrative procedure in which the assessment is undergone is closely depicted. Nevertheless, the main focus of the paper lies in the analysis of the rights and obligations of the persons dependent on care and the informal carers. Hence, the consequences of care and the rights and responsibilities of care providers are investigated throughout the Czech legal framework. With the main topics being care allowance, rights and obligations related to the employment, unemployment, pension and sickness insurance, and tax benefits. These stand in the centre of the analysis. Based on this scrutiny and inspiration provided by foreign legal frameworks, ten key recommendations are formulated in order to ignite improvement of the current situation for the dependant persons and carers alike.

Keywords: Dependent persons, Dependency on care, Informal carers, Care allowance, Social security, Degrees of dependency, Carers obligations, Carers rights