



San Miguel Centre

Calle Lope de Vega 45,
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03193, Alicante
Telephone: 966 723 733 (24 Hr Emergency Line)

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Law on Dependency (*Ley de Dependencia*)

The *Ley de Dependencia* is a law that provides access to many services and benefits funded partially or totally by the State for dependent people of all ages. To get the services, the dependant or their representative has to apply for the *Ley de Dependencia* through the local Spanish Social Services department.

The services and financial support available depends on the level of dependency and conditions that the applicant has. This is medically assessed with a points system. There are three levels dependency:

- **1st degree (moderate dependency/*dependencia moderada*):** when someone needs help once a day for basic activities (25 to 49 points).
- **2nd degree (severe dependency/*dependencia severa*):** when someone requires help two to three times a day to perform basic activities, but does not require permanent assistance (50 to 74 points).
- **3rd degree (great dependency/*gran dependencia*):** when someone requires permanent assistance to manage most basic needs and activities (75 to 100 points).

The degree of dependency can be increased or decreased if the level of dependency changes.

What does being dependent mean?

A dependent person is someone who has lost their independence to a certain degree, and requires assistance with basic needs, such as washing, eating or mobility.

Under the *Ley de Dependencia*, there are four recognised types of dependencies:

- **Physical dependency:** when the person loses control of their body (any form of physical disability)
- **Mental dependency:** when the person loses the capacity to solve problems or make decisions (e.g. dementia or Parkinson's.)
- **Sensorial dependency:** loss or impairment of one or more senses which affects a person's ic needs (e.g. blindness, deafness.)
- **Mixed:** when the person is affected by several types of dependency

What services are available under the *Ley de Dependencia*?

They can include residential and day care, help in the home and telecare.

If you receive home care, the number of hours of care you receive depends on the level of your dependency.

- **1st degree:** 10 to 20 hours per month
- **2nd degree:** 21 to 45 hours per month
- **3rd degree:** 46 to 70 hours per month

If you receive financial support (benefits), the money must be spent on care services and support, such as paying a cleaner/carer



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What are the entry requirements to apply for the *Ley de Dependencia*?

You must meet the following basic requirements:

- You are a legal resident in Spain or a Spanish national.
- You are being cared for by someone or need help.
- You have lived in Spain for at least 5 years in total and for the 2 consecutive years before the date of your application. In case of dependent minors, the parents or guardian needs to meet this requirement.

Application process

The process is lengthy. It can take at least 2 years until you receive the first care or benefits. It is therefore important to apply as soon as possible.

To make the application, ask your Social Services office for the forms. You will need to provide them the following documents:

- Copy of a valid NIE and Passport. If your current residence document does not show the 5 years of residency required to apply, also show a copy of a previous residency document.
- Medical Certificate issued by a doctor on a standard form (*Informe de Salud, modelo normalizado*)
- *Certificado de Empadronamiento*
- Your last *declaración de la renta*, if you have one.
- If you are a pensioner with a higher disability, or you have a recognised disability degree, you will need to present a copy of those certificates.

If applying through a representative, present the representative's NI/NIE/Passport. If they are a legal guardian/representative, include the court decision that gives them this power. If you have started an application for a disability degree, present the receipt which confirms the start of the process.

After your initial application, Social Services has 6 months in which to respond. This period can vary depending on where you live.

Resolution of the process

Social Services will arrange an appointment at your home to make a dependency assessment and determine your level of dependency and the services that will best meet your needs. Once the assessment is completed, you will receive a PIA (*Individualised Assistance Programme/Programa Individualizado de Atención*) offering the services that best meet your needs. This document can take between 4 to 6 months to be issued.

When you receive the PIA, if your level or degree of dependency has changed since your dependency was first evaluated and you do not agree with the services and benefits you have been offered, you have 30 days in which to appeal.



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Common mistakes

Sometimes applications might go wrong because of formal mistakes. When preparing an application, make sure you:

- Fill in all the necessary details and sign the application form
- Attach all documents required
- Use normalised models for the forms and certificates you need to send (medical certificate, disability certificate, etc.), always issued by official departments.
- Provide clear copies of your residency document and the ID of your representative, if necessary. The copies should be clear and easy to read.
- You write down your telephone and mobile number.

Frequently Asked Questions

Can I apply with an expired NIE or without it?

No. You need a valid residence document certificate to apply for the *Ley de Dependencia*. If it has expired or you lost it right before applying, you can present the document reporting the loss or the receipt for the renewal of the TIE from the police. Once you have your new residency card you will have to send a copy through the general registry.

Where should I deliver the documents to start my application?

You need to bring the documents to the closest Social Services offices to your address or at the *Oficinas de la Dirección General de la Dependencia*.

If I forget to attach a document with my application, how can I send it later on?

You can send missing documents through the General Registry or the *Dirección General de la Dependencia* offices.

Why is this process so long?

The process is divided into different phases, and there might be delays in each of them. First you need to present your application. Then there is an evaluation of your level of dependency. Then the PIA is drafted and issued. The final phase consists of the allocation of the services and/or benefits granted.

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