

ARGENTINA INTRODUCES A LAW OF SUPPORTED INDEPENDENT LIVING FOR ADOLESCENTS AND YOUNG PEOPLE WITHOUT PARENTAL CARE

The “Support Program for Young People Ageing Out without Parental Care.”

The support program for adolescents and young people without parental care has at last acquired legal status. National Law 27.364, adopted **unanimously** in both Chambers on May 31, 2017, bears witness to a broad consensus among lawmakers on the need for this type of legislation in Argentina.

The program, as its name suggests, is designed to support young people ageing out of care. It aims to guarantee full social inclusion and maximize personal and social development (article 1). Article 3 states that the program is guided by the following principles: a) the best interest of the child; b) gradual independence for adolescents according to their psychophysical characteristics, aptitudes and development. As they become more independent, the support provided for in this law diminishes; c) the right of children to be heard and to have their views or opinions taken into account in accordance with their age and maturity; d) equality and non-discrimination; e) comprehensive and personalized support. The voluntary nature of the program is also stressed (article 4).

A key feature of the new law is who has the right to join the Program and how long the Program lasts. Art. 2 states that “this law will apply to adolescents / young people without parental care aged thirteen (13) to twenty-one (21) years.”

The Program itself has two key components: a personal support system and a monthly allowance. Personal support is supposed to be both comprehensive and individualized. Comprehensive support means that it is not limited to education or housing, but covers a wide range of areas that translate to independence, such as health and leisure; sexual health, responsible procreation and family planning; education, training and employment; housing; human rights and citizenship education; family and social networks; skills for independent living; identity; and financial planning and money management (arts. 11 et seq.). Individualized support means that individual strengths and weaknesses must be taken into account and different areas emphasized according to each young person’s needs.

Art. 21 establishes the right of adolescents and young people included in this program to receive a monthly economic allowance equal to 80% of the official inflation-adjusted minimum wage from the moment they leave formal care arrangements. The benefit will always be paid directly to the adolescent or young person. Consistent with the principle of equality and non-discrimination, it establishes that “In the case of young people who

are in education or learning a trade, this benefit may be extended to twenty-one (25) years in accordance with the provisions of art. 663 of the Civil and Commercial Code.”¹

In addition, the new law involves stakeholders such as the Ministry of Education and the National Ministry of Labor, Employment and Social Security. Art. 11 states that these public authorities “must implement policies aimed at increasing the opportunities for including young people transitioning [to independence] in education and the labor market.” To this end they are authorized to sign agreements with public and private institutions, both national and local. Significantly, the article also stipulates that “at least 2% of the vacancies available for the first employment plans existing at the national level should be aimed at these young people”.

Art. 12 of the new law also makes it mandatory for the Ministry of Social Development to “implement policies aimed at granting housing assistance to young people who have left care institutions. These policies must minimally include: A system of assisted apartments or flats administered and controlled by the Ageing-out Committees. And a system of credits for housing purchase and rental.

It should be remembered that lack of housing is the main problem for adolescents and young people leaving care.

Finally, Title IV makes the National Executive responsible for applying the new law and calls on it to cooperate closely with local authorities in charge of protecting children and children. The functions of the National Executive are spelled out in art. 24 and include: carrying out studies, diagnoses, surveys, research and collecting information from public and private organizations regarding the institutionalization and discharge of children and young people; and guaranteeing the permanent education and training for those leaving care.

The new law is an important step forward in recognising and guaranteeing the rights for children deprived of parental care in Argentina and in South America.

Link to the full text of the law in Spanish

<http://doncel.org.ar/wp-content/uploads/2017/05/PROGRAMA-DE-ACOMPANAMIENTO-PARA-EL-EGRESO-DE-JÓVENES-SIN-CUIDADOS-PARENTALES-.Media-sanción-diputados.pdf>

¹ *Parents’ maintenance obligations. Art. 663 Civil and Commercial Code: “Adult children who are in training. The obligation of the parents to provide for their children continues until the children are twenty-five years of age if the pursuit of studies or professional preparation for an art or trade prevents the children from earning the necessary means to support themselves independently. Maintenance can be requested by the child or by the parent with whom he or she lives; proof that the request is reasonable must be provided.”*

