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Child support for an adult child: what are the requirements for withdrawal in Italy?

One of the most recurrent issues in the context of family crises is the criterion for determining the economic independence of an adult child for the purpose of withdrawing child support. The Supreme Court of Cassation has significantly revised the parameters for the granting of maintenance, giving greater value to the autonomy of children and encouraging them to achieve independence. With reference to a child who overstays his or her education, recent judgments repeatedly refer to the principle of children's self-responsibility, requiring a close connection between the right - duty to education and upbringing and the right to maintenance. In particular, it has been stated that the right to child support continues as long as the children are in a state of blameless non-self-sufficiency. The right to maintenance must therefore be limited on the basis of a time limit, inferred from the official duration of studies and from the average time required for a young graduate, in a given economic situation, to find employment; unless the child proves not only that it was not possible to obtain the job for which he is not responsible, but that no other job was possible either, such as to ensure his self-sufficiency. The issue in question is particularly relevant in view of the exponential increase in Italy of the NEET phenomenon, i.e. young people who do not look for a job and do not attend a vocational training or refresher course. This phenomenon has taken on worrying proportions in our country, as shown by a study carried out by the Italian newspaper *'Isole24ore'*, which counted 3.047 million people aged between 15 and 34 years at the end of 2020, according to the ISTAT update of 18 July 2021, of whom 980 thousand are aged between 30 and 34 years. The persistence of the obligation of maintenance of the adult child linked to the fact that he/she does not have a precise work project or an effective training project would connote the maintenance allowance of an unconditional welfare function for unemployed adult children, of unlimited content and duration, in violation of the principle of self-responsibility established by the Supreme Court of Cassation, which has expressed a clear and distinct 'no' to any automatism and to a counterproductive system of welfare. According to the most recent principles of jurisprudence, clarified by the Supreme Court's judgment no. 27904 of 13.10.21, the obligation to maintain a child who has reached the age of majority is guaranteed if the child proves that he or she has made an effective effort to become economically autonomous, making an active effort to find employment on the basis of the real opportunities offered by the labour market and, if necessary, reducing his or her own aspirations, without delaying in waiting for a job opportunity in keeping with his or her ambitions. The assessment of the circumstances justifying the termination of that obligation is to be carried out by the court on a case-by-case basis and must be based on a factual assessment which takes into account age, the actual achievement of a level of professional and technical competence, the commitment to seeking employment and, in particular, the overall personal conduct of the

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person concerned since reaching the age of majority. Jurisprudence also states that the burden of proof of the conditions underlying the right to maintenance is borne by the applicant for the allowance: having reached the age of majority, eligibility for income is presumed, which, in order to be won, requires proof of the facts that integrate the right to further maintenance. It is therefore up to the person claiming maintenance to prove (also by means of presumptions) not only the lack of economic independence - which is the precondition of the right claimed - but to have taken care, with every possible effort, of his professional or technical preparation and to have, with the same effort, worked to find a job. It is not, therefore, the person responsible for the relationship who is required to prove that the child has achieved real and stable economic independence or that he has obtained a job commensurate with his subjective aspirations.

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