



# CAMMINO DIRITTO

Rivista di informazione giuridica



## SERIOUS DISABILITIES: “DOPO DI NOI” BECOMES LAW

---

*The main aspects of the “dispositions about the assistance of seriously disabled people lacking family support”, approved by the Chamber of Deputies.*

---

**Martina Pavarese** (redattore Paola Labib)  
CIVILE - CONTRATTI  
Articolo divulgativo - ISSN 2421-7123

Pubblicato, Venerdì 16 Settembre 2016

## I. Articles 1- 2 -5- 6. Guaranteed purposes and care services

**Art.1**, in accordance with the Constitution and the international dispositions on the subject, introduces the abovementioned dispositions, stating beforehand that the purpose of the law is *“to favour wellness, full social inclusion and the inclusion of the seriously disabled”* by *“taking on responsibility of the interested person even if his/her parents are alive”*. The law refers explicitly to people with serious disabilities that lack family support, as stated in art.3, par.3 of the law 5th February 2012, n.04, including **all those people who have no parents or, even if they are alive, they are not able to deal with the needs of their children.**

The most important goal of the law is to intervene *“by taking on responsibility of the interested person even if his/her parents are alive”*.

Secondly, this law has the aim to support private individuals with grants, to draft insurance policies and to build trust in favour of the aforementioned people *“according to the modalities and conditions foreseen by articles 5 and 6”*, thanks to which the deduction of expenses incurred for insurance policies (**art.5**) and the exemption from the inheritance and donations tax for the transfer of goods and rights for cause of death, for donation or for free, and the constitution of earmark constraints for the benefit of *trust* (**art.6**) were established. In particular, the law prescribed specific precautions to build trust in favour of seriously disabled people and to avoid possible and unwanted manipulations of the institution.

In order to promote the support of people with serious disabilities, the following **art.2** determined those care services that have to be guaranteed on the whole area, establishing their levels so as to respect art.117, par.2. let. m) of the Constitution, with a decree of the Ministry of Labour that has to be issued within six months since the law came into force.

## II. Articles 3 – 4. Establishment and purposes of the Fund for the assistance of seriously disabled people lacking family support

This law created the *Fund for the assistance of seriously disabled people lacking family support*, so as to reach the abovementioned goals (**art.3**). In particular, both the resolution of the requirements to access the *Fund* (with a specific decree to adopt within six months since the publication of the present law) and the annual distribution of the available resources are entrusted to the Ministry of Labour.

As for the purposes, **art.4** specifies that the *Fund* is used to reach the goals stated in art.2, par.2, among which the most important are:

- the launch and optimisation of intervention programmes to impede the isolation of seriously disabled people;
- the realization of interventions for the temporary permanence in another family, only for emergency situations;
- the realization of innovative interventions for inhabitants, also supporting the self-help loan among people with disabilities;
- the implementation of programmes which make people autonomous in everyday life.

All these goals have to be reached with the participation of the Authorities, respecting the principles of subsidiarity, as well as with the participation of organizations that represent people with disabilities.

### **III. Articles 8 – 9. State of implementation and financial dispositions**

By respecting **art.8**, the Minister of Labour and Political Affairs will have to communicate to the Chambers, by 30th June of each year, an informative report about both the state of implementation of the dispositions of this law and the use of resources according to **art.9**, which are the following:

- 90 million euros for the year 2016;
- 38 million euros for the year 2017;
- 56.1 million euros for the year 2018.

Finally, **art.9** clarifies that “*in the case of lower incomes deriving from articles 5 and 6 [...], the Fund is reduced as stated in art.1, par.400 of the law 28th December 2015, n.208. This law considers the institution of a Fund at the Ministry of Labour and Political Affairs, which covers the legal expenses for supporting people with serious*

*disabilities that lack family support".*