

In Germany, as in other countries, care leavers need a "leaving care" entitlement in order to strengthen their legal position in youth welfare services for the transition to adult life and to further develop transitional support on a broad basis.<sup>1</sup>

## "Leaving Care" entitlement

<b>Article 41</b>	<b>Assistance after 18 – from "should" to "must"</b>
<b>Article 36</b>	<b>Retaining responsibility</b>
<b>Article 8/9</b>	<b>Improving participation and self-organisation</b>
<b>Article 44/45</b>	<b>Establishing transition concepts &amp; coming back</b>
<b>Article 92</b>	<b>Abolishing contribution to costs</b>

## Guarantee support, education and a place to live

### Article 41 Sozialgesetzbuch (Social Code) SGB VIII Help after 18: from "should" to "must"

The services for young adults – Article 41 SGB VIII – should be strengthened from a general entitlement ("should") to a compulsory service ("must") of the child and youth welfare services. Many young adults nowadays only move out of the parental home at a late date (on average aged 24) and receive a wide range of emotional and material support in the transition to adult life. Care leavers must also be granted this support. A legal guarantee of material, social and educational and vocational support must be created in order to improve the situation of young people in the transition from residential care. The current regulations on aftercare (cf. Article 41 Para. 3 SGB VIII) for young adults must be extended to a legal obligation to create easily accessible infrastructures and reliable, flexible and individual assistance.

### Article 36 SGB VII – Retaining responsibility

Growing up in care or a foster family is one of the most intensive interventions that our social state provides for children and young people. The end of care is also a crucial biographical event. Child and youth welfare services cannot simply withdraw this assumption of public responsibility for a child's upbringing at the end of care. The responsibility for young people who grow up in residential care must continue when they reach adulthood. Even when care ends, care leavers need reliable contacts in the youth welfare office or in independent youth welfare organisations who are consistently available in day-to-day life and in crises. This must be safeguarded by support planning: the youth welfare office has the task of providing support for the stages of the transition through coordinated transition planning and the inclusion of other service providers. In addition, it must constantly show an interest in what becomes of the young people. It is responsible for ensuring that care leavers are not homeless as young adults, that no gaps arise in living expenses and that care leavers receive support for their education and vocational training. The youth welfare office must strengthen social participation.

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<sup>1</sup> This applies equally to young people with and without disabilities and must be an entitlement to an inclusive support.

### Article SGB VIII – Improving participation and self-organisation

In child and youth welfare services up to now, there has been no legal right to self-organisation for those concerned. However, to fulfil the right to participation, forms of collective participation for the parties concerned need to be legally established in the child and youth welfare services. In addition, the rights of young people to participation and self-organisation must be implemented and strengthened in support planning and day-to-day support. Advice and opportunities for independent complaint procedures for young people (= ombudsman system) must be made a legal requirement.

### Article 44/45 SGB VIII – Establishing transition concepts & coming back

Residential child and youth welfare provisions are currently characterised by a culture which views the discharge from care as a permanent termination that also applies to relationships. Transition concepts which contain the idea of staying in contact for a longer period or indeed see an option to return to youth welfare services – referred to as a coming-back-option – have not so far been part of service agreements between public and independent care providers. There are also currently no regulatory structures for working with former residents or the promotion of peer-to-peer support following residential care. It is therefore often left to individuals in independent and public bodies or foster parents as to whether they remain involved with young people who were formerly in care or remain in contact with care leavers. Transition concepts and the organisation of work with former residents must be developed into an obligatory component in facilities, and full-time care and must be funded by the youth welfare offices.

### Article 92 SGB VIII – Abolishing contribution to costs

It is an unreasonable liability for many young people with their own income from an apprenticeship's pay or a job to pay for the costs of residential care – this in fact transfers responsibility for the provision of assistance to them. This rule discourages care leavers from taking up an apprenticeship. It also prevents building up savings in order, for example, to be able to pay the deposit on a first flat. This means that many care leavers who leave residential care already have debts. It is unacceptable that these regulations undermine the granting of and claim to support, and even training and working conditions are put in jeopardy. Making young people pay these costs must be abolished.

- Care leavers need reliable transition arrangements, i.e. there must be easily accessible infrastructures locally, as well as guidance and advisory services.
- All care leavers have the right to a place to live, education and support during the transition.

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