



Child support and social protection during the pandemic in Latin America in 2020: opportunities to overcome marginalization.

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Abstract. This article examines the public debate and political measures taken in relation to child support and emergency monetary transfers in 19 Latin American countries during the first eight months of the pandemic. Though every minor not living with their parents has a right to child support, the vast majority of children and adolescents in the region do not receive it. We seek to determine the degree to which this problem is visible and review government efforts to address it in general, and measures explicitly linked to the right of the family to social protection in particular. After determining media coverage of child support and reviewing information from regional data depositories and official sources regarding the measures identified, this articles provides an overview of developments in the area of social security related to emergency monetary transfers and child support. Highly innovative measures were identified that associated child support with social protection (unemployment insurance and pension funds). In addition, emergency money transfers constitute an indirect way of giving minors an income. The article underlines the opportunities created through the measures implemented and concludes that in both the best and the worst national cases analyzed, the guarantee of income for minors depends to a great degree on strengthening their links with social protection through, for example, a universal basic income.

Keywords: social policy, social protection, child support, family, Latin America, universal basic income

“Parental responsibility” is a central concept in the International Convention of the Rights of the Child of 1989. The expression can represent two ideas: one, that parents must behave dutifully towards their children; the other, that responsibility for child care belongs to parents, not the state. (Eekelaar, 1991, p. 37).

Those in positions of power tend to assume that households need fathers and that biological progenitors are always the most appropriate partners and caretakers. But women do not always agree [...] It is no coincidence that responsible paternity has gained ascendance in an era of downsized states and social disinvestment. (Milanich, 2017, p. 13, 14)

1. Introduction

Before the pandemic, between one-fourth and one-fifth of all minors in Latin America lived with only one parent, generally their mother (Lippman & Wilcox, 2014). Of these, only four in every ten received economic support from their father, including occasional and incomplete support (Buchelli & Vigorito, 2017; Cuesta & Meyer, 2014). As a result, though it is the right of every minor who does not live with one of their parents to be assured of food (Arroyo & Pautassi, 2012), the vast majority of children and adolescents in Latin America do not, in fact, have their nutritional needs met. It is worth noting that the mothers, guardians, or caregivers of these minors also suffer this nutritional deficit. As result, the rate of child poverty is 20% higher than the population as a whole (Comisión Económica para América Latina y el Caribe [Cepal], 2019). The close relationship between poverty and family structure also brings with it considerable volatility in the living conditions of minors, together with the socioeconomic precarity faced by mothers when they simultaneously have to make a living and care for children (United Nations Entity for Gender Equality and the Empowerment of Women [UNW], 2017). Of course, even in the best of conditions, social and gender inequality are strongly interrelated, and this negatively affects children (Martínez Franzoni, 2021).

If the lack of child support from fathers was a serious problem before the pandemic, during 2020 it worsened significantly due to the fall in employment and in the number of work days (Cepal, 2020a; Organización Internacional del Trabajo [OIT], 2020).¹ Regional data on this issue

1 As of June 2020, the unemployment rate increased by 38 million people in Latin America from what it was before the declarations of emergency, in a region where the level of labor informality was already 50% before the pandemic (Cepal, 2020).

are scarce; for example, in Ecuador, between March and June of 2020, child support transfers were 36% less than in the same months of 2019 (Rosero, 2020).² In addition, in 2020, the closure of schools in almost all countries affected the access to prepared food of some 85 million children (Organización de las Naciones Unidas para la Alimentación y la Agricultura [FAO], 2020).³

In the case of the state, the availability of the fiscal income that parents need for raising children is handled primarily through two instruments: family law and social policy. The first defines the private responsibilities of the family that the state must oversee. As to the second, although Latin American countries vary in regard to the effective scope of their social policies, these policies set down the collective responsibility of society to persons who do are not in paid employment. This obligation is principally related to social protection in case of illness, disability, old age, and/or poverty but not to non-compliance with child support. Still, during the pandemic, the great majority of countries quickly took emergency measures to provide temporary economic relief to families, primarily through monetary transfers (Blofield, Giambruno, & Filgueira, 2020).

This article examines the public debate on child support and the measures taken in 19 Latin American countries during the first eight months of the pandemic. Our objective was to discover the visibility of the problem and national efforts to address it as well as to identify government actions that explicitly linked family law to social protection. We consider public debate on matters that may (or may not) later become the object of state interventions (Bikrland, 2019). We focus on the period that was, at one and the same time, the beginning of the pandemic and the period when the most actions were undertaken by governments of the region (Cepal, 2020). It should be noted that this is primarily a descriptive study that relies on currently available documentary sources.

Below, we begin by describing the dynamics of transfers to families and social assistance **before** the pandemic. In the second section, we explain our methodology and in the third, we describe what occurred **during** the pandemic and the opportunities that it created for linking transfers and social assistance. We discuss our findings in the fourth section. We conclude by noting the continuing disconnect between family and state responsibilities

2 USD 37.8 million and USD 60.2 million between March and June of 2019 and 2020 respectively (Oyarce, 2020).

3 For 10 million of these children, this was the principal secure source of food before the pandemic (FAO, 2020).

and also identify the possibilities for overcoming this disconnect based on the recent experiences of countries in the area of social protection.

2. Transfers to families and social assistance before the pandemic

In contemporary societies, the state has a dual responsibility to children and adolescents.⁴ First, it regulates parental duties through family law which sets down rules regarding child support and the care that parents are expected to provide. Second, the state organizes and finances social protection through monetary transfers (such as family allowances), in-kind provisions (such as food), and services (such as education and care). Family transfers are private and fall under the field of family law while social transfers are public and pertain to the sphere of social protection. Although the performance of Latin American countries in both areas varies, the two are generally unrelated to each other (Martínez Franzoni, 2021).

During normal times, in Latin America most of the material welfare of minors depends on the income of their families, and its use for accessing food, clothing, housing, and basic services. The national accounts of six heterogeneous countries (Brazil, Chile, Costa Rica, Ecuador, El Salvador, and Uruguay) indicate that at least 60% of the consumer needs of children, adolescents, and young adults younger than 25 require private, family transfers, and this percentage is greater still when only minors under 18 are taken into account (Martínez Franzoni, 2018). We start by discussing these transfers. Adults participate in the labor market and provide their families with the income they need for private consumption, including on housing, clothing, and food. This flow of resources meets their own needs and those of family members who do not receive their own income, as is generally the case of children and adolescents. When a parent, generally the father, does not live full time with their minor children, family transfers are called “child support” and represent a duty to make monthly payments equivalent to the financial cost of raising children (Cuesta & Meyer, 2014; Buchelli & Cabella, 2009). This transfer is administrated by the parent who is in charge of the daily care of the minor, generally the mother.

4 Although it is beyond the scope of this article, state responsibility varies considerably according to the different degrees and types of responsibilities that welfare regimes assign to governments versus others spheres of production of welfare such as the market and families (Esping-Andersen, 1990; Esping-Andersen, 1999; Filgueira, 1998; Martínez Franzoni, 2008; Pribble, 2013). There is also a rich and very broad literature regarding the sexual division of labor and the degree to which the distribution of responsibilities between spheres reinforces gender inequality (Orloff, 1993; O'Connor, Orloff, & Shaver, 1999).

The amount to be paid may be set by mutual agreement or by a court ruling. The criteria for setting this amount takes into account the needs of the minor, the income of the person required to make the payment, or both. The consequences of failure to pay vary by country but they range from penalties and fines to physical restraint—that is, incarceration for a period usually lasting from two to six months as a measure to assure payment of the child support owed. In Latin America, a large proportion of minors face the possibility of impoverishment due to a lack of child support from fathers (Cuesta & Meyer, 2014; Bucheli & Vigorito, 2017).

Historically, Latin American countries have promoted measures aimed at enforcing family transfers rather than guaranteeing access to social transfers to minors due their status as such (Castaño, 2017). The result of initiatives to guarantee child support have been highly unsatisfactory, as Table 1 shows. Measured with proxies, the range of minors that received child support before the current shock ranged from 11% in Guatemala to 41% in Uruguay (Cuesta, Jokela, Hakovirta, & Malerba, 2018; Martínez Franzoni, 2018).

Table 1
Pre-pandemic Latin America: access to child support by minors entitled to receive it, in selected countries

Country	Minors under 18 who received child support and lived with their mothers only	Minors under 12 who did not receive child support and did not live with their father ^{3/}
Guatemala	14 ^{1/}	
Uruguay	48 ^{1/}	60
Chile	51 ^{1/}	
Ecuador		80
Costa Rica		60
Paraguay	18 ^{2/}	
Panama	33 ^{2/} *	
Colombia	33 ^{2/} *	
Peru	33 ^{2/} *	

Sources: ^{1/} Cuesta, Jokela, Hakovirta y Malerba (2019); ^{2/} Cuesta et al. (2018); *estimate; ^{3/} Martínez Franzoni (2019)⁵

5 Cuesta et al. (2018) uses data from the 2013 *Luxemburg Income Study* (LIS), which included Guatemala, Panama, Paraguay, Peru, and Uruguay, and the 2012 Colombian National Quality of Life Survey (Encuesta Nacional de Calidad de Vida [ECV]). Martínez Franzoni's study is based on household surveys in the respective countries. These make it possible to determine child support for 12-year-olds only.

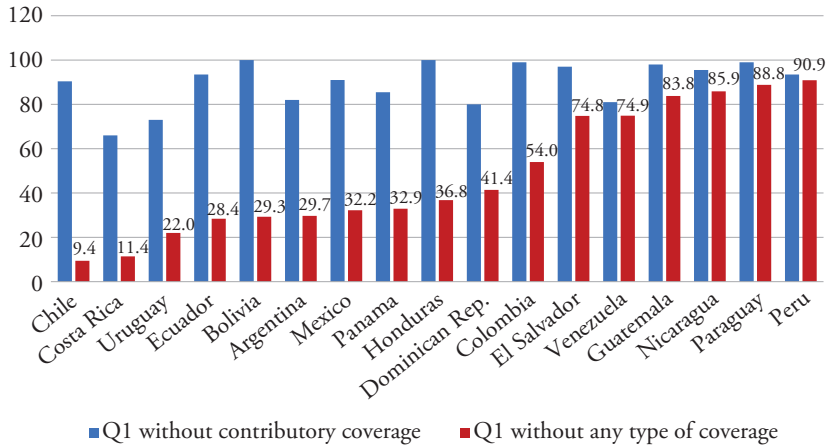
Before the pandemic, the lack of support from fathers was not restricted to the poor. But nor was it random: child support debts were greater the lower the father's income and the more informal his work (Buchelli & Cabella, 2009). The high levels of non-compliance with child support and the consequent lack of income protection for mothers and their children was not necessarily offset by social protection mechanisms.

We therefore focus on **social assistance** targeted at children. Crudely put, the data in Table 1 also illustrate the situation to which the countries returned once the temporary measures introduced in response to SARS-CoV-2 (and their effects) had ended. These measures consisted primarily of monetary transfers to compensate for total or temporary loss of income. The data above also correspond to the peak period of expansion of social policies in Latin America, when countries in the region reached very high levels of social inclusion—primarily by reaching previously excluded populations (Garay, 2016; Reygadas & Filgueira, 2010). Figure 1 shows the percentage of the population of 10 to 14 years of age living in the 20% of households with the lowest incomes that do not receive monetary transfers, whether contributory (blue bar) or non-contributory (red bar). Whether a transfer is contributory or non-contributory reflects different eligibility criteria. Contributory transfers, normally called “family allowances,” are those for which people are eligible on the basis of the contributions they have made as part of formal employment, normally as employees. Non-contributory transfers are those for which people can be selected on the basis of criteria unrelated to the contributions they have made, in this case economic need.

The figure illustrates that, first, for this population, access to social protection comes primarily from non-contributory monetary transfers. Second, it shows dramatic variations between countries: while in Peru 90.9% of the population lacks any social security, in Chile this percentage is only 9%. Comparing this with information on child support, we see that the countries with social assistance of the greatest scope in the form of monetary benefits coincide partially with the best-performing countries in terms of private transfers. Chile and Uruguay along with Costa Rica and Brazil are the countries that—before the pandemic—provided the highest level of social support to children and adolescents.

Figure 1

Pre-pandemic Latin America: percentage of the population between 0 and 14 years of age in the poorest quintile households that do not receive social security or any form of social transfers



Source: Rossel (2013), cited in Blofield et al. (2020)

In addition, before the pandemic, the linkages between the regulations established by family law and by social protections were scarce or non-existent; that is, the absence of family transfers was not offset by social assistance. For example, none of the countries of the region had or currently has advance child support payments of the kind found in the Nordic countries. This advance subsidy is a government transfer that assures a minimum level of child support in situations in which the father (or whichever parent does not reside permanently with the child) has a very low capacity to pay or has fallen behind in the monthly payment, or if there is no second parent available to provide support (Hakovirta, Haataja, Guony Bjork, & Rostgaard, 2014; Skinner & Davidson, 2009).

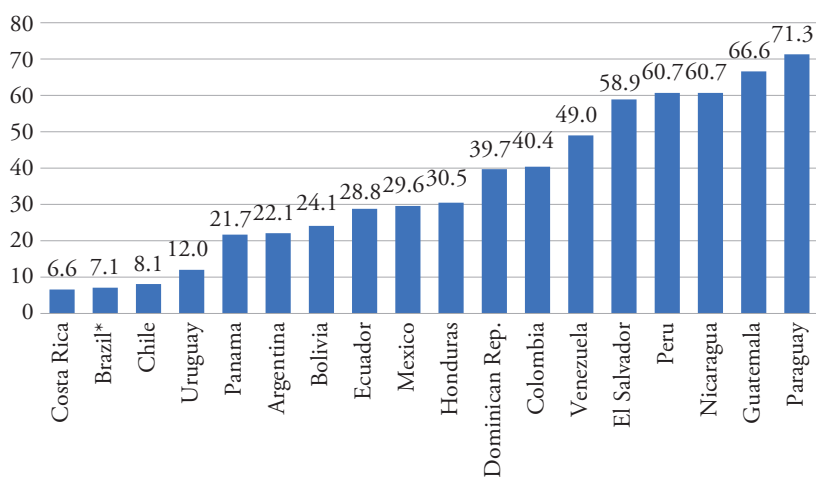
Not only do Latin American countries lack this type of mechanism but the channels for access to social assistance are completely different than those established for the payment of child support. A mother who stops receiving this monthly transfer—regardless of the reasons why this happens, which could range from unemployment to its use as an instrument of power—has to access the judicial system through the framework of family law to claim the support she is due. At the same time, she could turn to government programs to ask for assistance from social programs, eligibility for which is not based on the child support owed but on her financial need resulting from a lack of income. For those who are interested in freeing fathers from

their parental financial obligations, it is important to clarify that access to social assistance does not free the father who owes child support from his financial responsibility to his children.

In addition, the non-receipt of this kind of pension does not mean that mothers necessarily become eligible for social benefits targeted at the population in economic need. Figure 2 shows the percentage of households with members aged 0 to 14 who, in 2013, at the peak of the expansion of social protection, did not receive any government subsidies. This percentage was less than 10% in Costa Rica, Brazil, and Chile and 12% in Uruguay. In marked contrast, more than half the households with members between 0 and 14 years of age in El Salvador, Peru, Nicaragua, Guatemala, and Paraguay did not have access to any type of government subsidy, and at the same time these were among the countries in the region with the highest level of poverty as measured by earnings.

Figura 2

Pre-pandemic Latin America: percentage of the population aged 0 to 14 whose households did not receive any kind of government monetary transfer in 2013



Source: Rossel (2013), cited in Blofield *et al.* (2020). The data for Brazil are estimated indirectly and may be underestimated.

The more targeted these programs, the more likely it is that a large number of mothers will not have access to them even though their children need child support to meet their basic needs such as clothing and education. Women who face a “broken ladder” at the midpoint of the income distribution are highly vulnerable to different types of shocks; thus, when they lose access to a second income, they, together with their children, may

experience downward social mobility⁶ (UNW, 2017). What happened with state regulation of government transfers and transfers to families in 2020? Was there any significant change that could have a favorable effect on the economic protection of children and adolescents? Below, we describe the methodology we employed to answer these questions.

3. Methodology

The empirical analysis in this study is based on qualitative analysis of documentary material. The objective is to identify the government measures taken in relation to child support in 19 Latin America countries between March and October 2020. This review was based solely on texts. We consulted public documents and official records;⁷ specifically, regional repositories, the print media, and government institutions from the executive, legislative, and judicial branches. The data collected and selected was systematized in an Excel database. The process was inductive: first we examined the measures and then we classified them according to their intended effects on child support.

3.1 Cases

The analysis included 19 countries in Latin America (18 Spanish-speaking countries and Brazil).

3.2 Sources

The purpose of reviewing official records was to identify the relevant measures and official sources in each country. The ECLAC Observatory is the primary databank of information on the measures taken by governments relating to SARS-CoV-2 starting in March 2020.⁸ This archive allowed us to identify measures so that we could then search for their descriptions directly in the official sources of each country to discover whether they were related to emergency food assistance payments. In order to check for omissions in the ECLAC database, we triangulated the information using the World Bank database, which includes social protection measures implemented in response to SARS-CoV-2, and the ILO Social Protection Monitor.⁹

6 These women can be differentiated from those who face “sticky floors” and “glass ceilings.”

7 These public documents or official records refer to measures undertaken, communiqués, institutional policies, and statistics from public institutions. In addition, they include media (newspapers, radio and television programs) (Hernández Sampieri, Fernández Collado & Baptista Lucio, 2006).

8 COVID-19 Observatory in Latin America and the Caribbean. *The world is facing a health and humanitarian crisis without precedent in the past century*. Retrieved from <https://www.cepal.org/en/topics/covid-19>

9 Banco Mundial. *Repositorio de Conocimiento Abierto*. Retrieved from <https://www.bancomundial.org/es/publication/reference>

The print media are considered a way to access the public conversation since they contain declarations by public officials and individuals from the private sphere; they provide accounts of public affairs, power groups, and interest groups (Abarca Rodríguez, Alpízar Rodríguez, Rojas Benavides & Sibaja Quesada, 2013). At the same time, they seek to reach different sectors of society by including diversified content that reflects a multiplicity of interests and social demands. They are a medium that is relatively accessible and which tends to employ colloquial language that people comprehend (Caldevilla, 2013). In the present case, it allowed us to pinpoint changes in regulations and public policies that were implemented or discussed in the public sphere during our period of study. Our choice of publications were based on two criteria: high circulation and ideological diversity. In total, we selected and searched for material related to child support in 44 print publications.

In each case we searched for terms that were analogous but corresponded to those generally employed in each country (in Spanish, these were: “pensión alimentaria,” “cuota alimentaria,” “asistencia familiar,” and “asistencia alimentaria”¹⁰). In order to reduce the risks of excluding relevant measures, we also used Google Alerts by employing these same search terms to notify us of any new content in any print publication.

In total, by combining both types of searches, we identified 35 news items in 24 print publications in 10 countries. Each news item that reported a judicial, legislative, or executive action was later verified in the respective websites of each country. This process enabled us to find additional measures that were not reported in the print media. In total, we detected 21 government actions in 15 countries.

3.3 Data processing and analysis

In order to process the data, we created two databases: one of print media articles and another of official documents. In each case, we prepared a summary of the material, the main action that the respective government proposed, and the official entity responsible for the measure.

Once the material was organized, we analyzed and classified the government measures into similar groups. The actions we found included legislative initiatives (draft laws), actions by the executive branch (decrees), and measures that employed administrative adaptations at the judicial level

Organización Internacional del Trabajo. *Labordoc - Repositorio digital de la OIT*. Recuperado de <https://www.ilo.org/inform/online-information-resources/labordoc/lang-es/index.htm>

10 Translator's note: all these terms refer to child support in the various countries.

(virtualization). This process led to the creation of analytical categories. The categories selected are analyzed in Section 5 (discussion) of this article. This process led to the construction of a detailed database of government actions, which is presented in Appendix 2.

4. Private transferences and social assistance during the pandemic

Below, we describe the kinds of social assistance provided to deal with the emergency, followed by how child support was addressed in the public conversation and what measures were taken by the governments in the region.

4.1 Emergency monetary transfer programs during 2020

During the first eight months of the pandemic, there were glimpses of change from the previous trajectory of these countries, but with greatly differing levels of government effort (Cepal, 2020). Almost all the governments responded by mobilizing existing social protection mechanisms and/or creating new ones (Blofield et al., 2020). In addition, most countries complemented pre-existing social-assistance cash transfers with temporary additional amounts (for example, Argentina, Chile, and Colombia) or created new cash transfer programs (Costa Rica, Ecuador, El Salvador, Guatemala, Mexico, and Peru). Only two countries did neither: Mexico and Nicaragua.¹¹ While eligibility criteria varied, the new cash grants consisted of temporary subsidies, primarily aimed at offsetting the loss of income due to the pandemic (see Table 2).

The transfers, part of non-contributory programs, were very important for the those living in poverty but also for informal workers who, as a result of a partial or total loss of income, were unable to take advantage of contributory protection such as unemployment insurance. The same was true of workers in the formal sector who, due to the pandemic, experienced the suspension of normally available social protection procedures (for example, severance assistance in Costa Rica). Although we do not have estimates of the coverage programs provided to the population under 18 years of age, we do have estimates on coverage of the informal sector, in which 70% of households include children or adolescents. This coverage varied from “very high” in countries such as Bolivia to “very low” in Colombia, Costa Rica, and Ecuador (see Table 2). In addition, the programs varied in sufficiency, both in terms of the sum and the number of months that the support was provided—most programs lasted at least three months. Exceptions included El Salvador, whose program lasted one month (although with a

¹¹ Something similar occurred with transfers in kind, especially food baskets.

sum similar to that provided in other countries over three months), and Brazil and Argentina, which provided aid over more than three months. However, by December 2020, all the programs had ended even though the socioeconomic conditions remained the same and, often, social distancing measures continued in place.

Table 2
Latin America: coverage of non-contributory cash transfer programs adopted during the pandemic in terms of percentage of informal sector population in relation to the formal sector population

Country	Ratio
Argentina	High
Bolivia	Very high
Brasil	High
Chile	Moderate
Colombia	Low
Costa Rica	Low
Cuba	n.d.
Ecuador	Low
El Salvador*	Very high
Guatemala*	High
Honduras*	Very low
México	No program
Nicaragua*	No program
Paraguay*	Low
Peru	High
Dominican Republic*	High
Uruguay	Low
Venezuela*	n.d.

Categories: very high (more than 70%); high (more than 50% but less than 70%); moderate (around 50%); low (less than 20% but more than 5%); very low (less than 5%).

Source: Blofield *et al.* (2020); *compiled by authors based on official government sources.

4.2 Child support in the public conversation

Below, we summarize the way the print media in 19 Latin American countries treated the subject of child support during the height of the pandemic. In various countries, it was **the increase in non-payment that made the news**, because of both economic conditions (Ecuador, Nicaragua, Peru, and Mexico) as well as the paralysis of the judicial system (Mexico). In Ecuador, for example, where a 2017 household survey indicated that the non-fulfill-

ment rate was 80%, newspapers reported on an increase in the child support debt (Rosero, 2020). When it came to penalties for non-payment, the media published the explanations of lawyers (Ecuador and Nicaragua) and judges (Bolivia) about the alternatives to imprisonment available to child support . For example, in Nicaragua and Ecuador it was noted that parents could ask for a reduction in payments because of the health and economic crises (Úbeda, 2020; *El Telégrafo*, 2020).

In addition, there were reports of **discontent and protests** by mothers whose children were not receiving financial support from fathers at a time of increasing economic need. The reasons for this situation were fathers' incapacity to pay as well as the interruption of the administration of justice, which affected different steps in the process, from registration of the claim to the actual payment of child support. For example, in Chile and Argentina, newspapers wrote about mothers who had complained that the sums retained by law were not being passed on to the beneficiaries. In the case of Argentina, a group of mothers gathered outside a business premises to demand that it deposit the sums mandated by law, which they had not received for four months (from June through October) (*Jujuy al Momento*, 2020). In Chile, women protested outside the Superintendence of Pensions (Superintendencia de Pensiones) headquarters to demand that the money be deducted from the pension funds of the debtors (*La Tercera*, 2020).

In addition, news was published about **legislative debates** in Costa Rica, Chile, Ecuador, Peru, Brazil, and Uruguay. In Costa Rica, five draft laws regarding the suspension of compulsory detention were presented to the Legislative Assembly. These proposals included temporary suspension of detention for child support debtors (Miranda, 2020). Public health reasons were put forward for this, such as the need to avoid contagion among the prison population due to overcrowding **and/or the arrival of new inmates**, and the lack of a case for denying debtors their freedom of movement **because they were not directly responsible** for their insolvency (Rodríguez, 2020). One of the draft laws proposed that the judge issue a social emergency subsidy payment order (Ramírez, 2020). In Ecuador, the draft Law for Humanitarian Support (Ley de Apoyo Humanitario) stated that if the working hours of the child support debtor were reduced, he could ask for a corresponding decrease in his child support payments (Romero, 2020). Nevertheless, this provision was not included in the final version of the law that was approved.

In Peru, the executive branch discussed the simplification of the legal procedures to free those men who were in jail for nonpayment of child support, as well as supporting alternative penalties to cancel remaining

debt (Presidencia de la República del Perú, 2020). The media reported that approximately 1,008 prisoners were released as a result of this measure. Lima was the city with the largest number of such cases: 518 (*Correo*, 2020).

In Chile and Uruguay, unemployment insurance payments could be embargoed for nonpayment of child support (Congreso Nacional de Chile, 2020; Poder Judicial de Uruguay, 2020). In the case of Chile, the same proposal was made for individual retirement savings accounts (Ministerio de Justicia y Derechos Humanos, 2020). In Bolivia, judicial system officials told the media that during the health emergency no one would be detained for not paying child support because this would mean mobilizing a large bureaucracy for a matter that was not a priority; however, no formal decisions were subsequently made on this matter (*Correos del Sur*, 2020). In Brazil, the congress debated house arrest for child support debtors for public health reasons (*O Globo*, 2020). It is clear that public opinion in various countries took into account the issue of nonpayment of child support, and in some cases, measures were taken. Below we explain the character of these initiatives.

4.3 Government measures approved to guarantee child payments

In various countries, the low rate of compliance and difficulties making child support payments—which predated the pandemic—was exacerbated between May and June 2020 by the suspension of in-person work at offices of the judiciary and, in the majority of cases, the slowdown in handling these cases (for example, in Mexico and Ecuador) (Rosero, 2020; Villalobos, 2020). In some countries, including several Mexican states, courthouses remained closed between March and the end of June. Toward the end of the period studied, claims for child support were virtualized in some countries, including Costa Rica (Poder Judicial República de Costa Rica, 2020).

What can we learn from a systematic examination of what happened to child support between March and October? Below we present the results of our review of the measures implemented (Table 3). We distinguish between countries that did not take any measures, those that made administrative changes (that is, to procedures for processing child support claims), others that relaxed sanctions for child support debts, and those that implemented substantive changes (that is, regarding income guarantees). The first group, because of their inaction, increased the pre-existing lack of protection. The second group were able to process child support albeit in socioeconomic conditions that were even worse than before the pandemic. The third eased the application of prison sentences to debtors, citing public health reasons. Finally, the fourth group continued coordinating child support payments but also provided emergency subsidies.

There were four Latin American countries among the 19 countries surveyed that did not report having taken any measures: Cuba, El Salvador, Nicaragua, and Venezuela. Among the rest of the countries, we found three types of measures. The first were **administrative adaptations** in processing legal claims and child support payments. These included actions to virtualize protocols for child support claims, the creation of Rota Courts, and adapting emergency bodies to receive and distribute subsidies. Twelve countries reported administrative adaptations to deal with various issues along the way to receiving payments, from legal claims to receiving payments. Some countries virtualized procedures; others created on-call services or emergency judicial entities that continued to provide services during the quarantine. Though these were important measures, given that rates of noncompliance with child support are high in the majority of these countries, we can expect these actions not to have had an important effect on the population as a whole.

The second type of action were the **relaxation of sanctions**. This measure consisted of diminishing the severity of prison sentencing for child support debtors and was carried out in Brazil and Peru.

The third action involved the creation of **linkages between child support and social assistance**. This policy consisted of actions to ensure that debtors had the capacity to pay child support through social protection and contributory labor mechanisms. Chile and Uruguay—the two countries with the highest level of compliance with child support payments before the pandemic—linked child support payment to contributive financing instruments. Specifically, these countries made judicial or legal changes intended to guarantee sources of income so that child support payments could be made. For workers with unemployment insurance, in April 2020, Uruguay mandated the retention of child support from this insurance in the framework of the National Register of Child Support Payers (Registro Nacional de Obligados Alimentarios, Renoa) (Poder Judicial de Uruguay, 2020).¹² In Chile, a legal reform authorized something similar related to unemployment insurance, creating a linkage that did not exist before (Congreso Nacional de Chile, 2020).¹³ At least three of the other countries that

12 Precautionary, provisional or definitive child support payments which are obligatory support payments to be deducted from their salary will be deducted from the unemployment insurance of which the child support debtor is a beneficiary. The beneficiaries of the child support or their legal representative can request, through an e-mail to the competent Judicial Headquarters, that the communication be sent to Renoa.

13 Unemployment insurance benefits, of the enrollee, can be attached, up to 50%, for the payment of the child support owed according to the law.

have unemployment insurance (Argentina, Ecuador, Brazil, and Venezuela) have not considered using it for this end.

Chile also made it possible to use pension funds accumulated in individual retirement accounts to assure the payment of child support (Ministerio de Justicia y Derechos Humanos, 2020) as well as using the bonus transfers for the middle class (Ministerio de Hacienda de Chile, 2020).¹⁴ Another nine countries have mandatory individual savings insurance (Bolivia, El Salvador, Mexico, Dominican Republic, Peru, Colombia, Argentina, Uruguay, and Costa Rica) and have not considered using it for the same purpose.

The links established in Chile and Uruguay between child support and insurance mechanisms are an important innovation because they establish a stronger connection between different individual parental obligations and existing social protection mechanisms. In these cases, the connection was exclusively contributory and therefore was available only for formal-sector employed workers. Nevertheless, this is an innovation we should not underestimate. First, these experiences demonstrate that it is possible to imagine analogous links with noncontributory instruments of social protection. Second, we have previously observed that child vulnerability is not restricted to poor children. Thus it is fundamental to have legal measures that reach all families—whether poor or not.

¹⁴ Up to 50% of the benefit can be attached when the beneficiary owes the child supported mandated by law and court ordered.

Table 3
Latin America: measures related to child support reported during the pandemic, March to October 2020¹⁵

Measures	Description	No. of countries	Countries
Administrative adaptations for processing claims and child support payments	Administrative changes for some or all steps in the process. Examples: virtualization, shifts, creation of emergency bodies	12	Argentina, Bolivia, Chile, Colombia, Costa Rica, Ecuador, Guatemala, Honduras, Mexico, Dominican Republic, Paraguay, Panama, Uruguay
Relaxation of sanctions	Relaxation of sanctions related to debts, for example detention	2	Brazil, Peru
Linkages between children support and social assistance	Measures to improve the capacity to pay of child support debtors through contributory social protection (retirement insurance) and labor (unemployment insurance) mechanisms	2	Chile, Uruguay
No data provided		4	Cuba, El Salvador, Nicaragua, Venezuela

Source: compiled by authors.

5. Discussion

The evidence presented reveals that the pandemic did visibilize child support payments, both in the public debate and in measures taken by governments. In the public conversation, the news that stands out has to do with the increase in payments owed, the discontent and protests of mothers, and legislative debates on this issue. The increase in payments owed made news in five countries and the press associated this with economic conditions (Ecuador, Nicaragua, Peru, and Mexico) as well as the paralysis of judicial activities (Mexico). The mothers' public demonstrations of discontent was reported in Argentina and Chile. Controversies in legislatures regarding government actions were reported in Costa Rica, Chile, Ecuador, Peru, Brazil, and Uruguay.

As regards government actions, the majority of countries (12) focused on administrative adaptations to process claims and child support payments; only two countries relaxed measures (Brazil and Peru), and only another

¹⁵ Appendix 2 provides detailed information on each measure.

two (Chile and Uruguay) established linkages between child support and social assistance. Since bureaucratic adaptation is important, we can consider this a basic level of response that, in the best case, succeeded in preventing a decline in access to child support and, in the worst case, increased social inequality without introducing improvements.

The cases in which the only response was the relaxation of measures are concerning, especially when emergency cash transfers had a low level of coverage. This was not the case of Peru or, much less, Brazil, where these programs had a significant level of coverage that, during the period studied, even managed to reduce poverty to below pre-pandemic levels. Although it is not possible to empirically determine whether the eligible population included those that needed child support, it is highly likely that this was the case. In addition to Brazil, there were large scale, though short-lived, emergency cash transfer programs in Bolivia, Chile, Guatemala, the Dominican Republic, and Uruguay. In each of these cases, however, the link between child support and emergency transfer payments was implicit rather than explicit because no measure directly connected one to the other.

The direct link between child support and social assistances that was established in Chile and Uruguay was connected to unemployment insurance and, in Chile, also through access to retirement funds. Both mechanisms applied only to the formal employment sector and previous contributory payments. For this reason, these were measures complementary to emergency monetary transfers: though it is possible that a large percentage of the minors that benefited from the emergency transfers did not receive child support, those who did not receive the latter did not necessarily lack for the former. It is noteworthy that at least three other countries that have unemployment insurance did not consider linking it to child support payments and nine more countries that have obligatory individual savings insurance also did not consider this option. This suggests that though countries relied on mechanisms that are, in principle, extendable to child support, they did not choose to establish this link. More research that takes into consideration national processes is required to identify the factors that explain why this was so.

6. Conclusions and recommendations

In this article we provide a novel descriptive panorama of an issue that has been insufficiently studied: child support as part of the challenge of a more expansive public policy that guarantees income to minors and their caregivers. The purpose of our study was to determine the visibility of the problem and government efforts to address it, and to highlight measures

that explicitly linked the right of the family to social protection. We chose print media and official documents as our principal sources. This overview was complemented by an in-depth analysis of countries, which made it possible to integrate unique national characteristics and the context in which matters related with these kinds of subsidies were debated.

Our study originated from the observation that until now legislation related to the family and to social assistance have been kept separate in our region. There was no coordination between the regulation of private transfers such as child support and social assistance. Although during the 2020 emergency this disconnect remained the norm, the two areas began to be linked in the public conversation and in public policy, a development that requires further study. On the one hand, in countries where emergency cash transfers had the broadest reach, we can expect these to have alleviated the effect of child support debts. More research is necessary to determine whether this was the case and to what degree. On the other hand, in countries where specific social assistance measures were used to guarantee the payment of child support, a qualitative change took place. This happened in Chile and Uruguay, two countries that have a child support debt that is high in percentage terms but low in comparison to other countries in the region before the pandemic. These are countries that also have comparatively low levels of informal labor and where social security has extensive coverage, which was bolstered by temporary measures during the pandemic.

The worst situation can be found in those countries where pre-pandemic child support was very low. There, quarantines and the economic crisis further increased non-compliance and, at the same, there were no effective and inclusive social protection mechanisms. These countries also have very high levels of informal labor. There is available data for two such countries, Paraguay and Guatemala. Guatemala, which has an extremely low level of child support coverage, 65% labor informality, and where social protection before the pandemic was scarce, confronted the pandemic with a program of cash transfers that reached more than 60% of households in the country (Paráiso Desigual, Pacto Ciudadano, & Oxfam, 2020b). Guatemala demonstrated that it had sufficient bureaucratic capacity to redistribute resources to meet the basic needs of the population.

These contrasting situations and all the other intermediate ones pose qualitatively different challenges to ensure that children and adolescents have access to sufficient income for their basic needs, especially food. This includes minors that do not receive child support and the mothers that generally care for them. At the same time, the pandemic offers potential complementary ways to link family law with social assistance. Ideally,

noncontributory social transfers would be guaranteed and, combined with public health services and education, would take care of the basic needs of individuals who are not in paid employment, in this case because they are too young or are caring for children. Thus, minors and their caregivers must constitute a priority criteria of eligibility.

The proposal for a basic income for minors is nothing new (Barbeito & Lo Voulo, 2003). The independence of such a measure from parental solvency and marital status would provide multiple benefits, such as protecting income in single parent households in which, for the most part, mothers live with their children. In addition, it would provide income security to millions of people, the majority of whom are women who give unpaid care, and prevent their economic dependence—for the basic subsistence they and their children need—on abusive or violent relationships (Milanich, 2017). Although parental economic obligations would stay in place and the state would have to continue deploying measures to make sure these are honored, the consequences of non-compliance would be qualitatively different, at least when it comes to food. In a context marked by a profoundly unequal social structure, with socioeconomic and gender inequalities in addition to ethnic-racial inequality, placing most—and often all—of the burden of responsibility for economic maintenance on families is very unlikely to achieve the desired results. One example of this, as we mentioned at the beginning of this article, is the very low level of compliance with child support in the region.

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Child support and social protection during the pandemic in Latin America in 2020: opportunities to overcome marginalization

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Appendix 1

Print media consulted by country

Country	Print media consulted between March and October 2020 (in alphabetical order by country)
Argentina	<i>Página 12, La Nación, Clarín</i>
Bolivia	<i>El Diario, El Deber</i>
Brazil	<i>Jornal do Brasil, O Globo</i>
Chile	<i>El Siglo, La Tercera, El Mercurio</i>
Colombia	<i>El Espectador, El Tiempo</i>
Costa Rica	<i>Diario Extra, La Nación, Semanario Universidad</i>
Cuba	<i>Granma, Periódico Cubano</i>
Ecuador	<i>La Hora, El Comercio, El Telégrafo</i>
El Salvador	<i>Diario Co Latino, El Faro, El Diario de hoy</i>
Guatemala	<i>Diario de Centroamérica, Prensa Libre</i>
Honduras	<i>Diario El Articulista, La Tribuna</i>
Mexico	<i>El Universal, La Jornada</i>
Nicaragua	<i>La Prensa, La Jornada</i>
Panama	<i>La Prensa, El Siglo</i>
Paraguay	<i>ABC Color, La Nación</i>
Dominican Republic	<i>Listín Diario, El Nacional</i>
Peru	<i>La Razón, La República, El Comercio</i>
Uruguay	<i>La Diaria, El País</i>
Venezuela	<i>El Universal, El Nacional</i>

Appendix 2

Latin America: Measures related to child support approved between March and October 2020

Country	Response to the pandemic	Details	Date approved
ARG	Incorporation of Family Courts into Roto Courts ^{1/}	Authorization provided to the Departmental Chambers of the Civil Jurisdiction to incorporate Family Courts into the Roto Courts	3/16/2020
	Virtualization of judicial proceedings on child support ^{2/}	The courts of the family jurisdiction can hold hearings remotely, partially or completely	8/13/2020
BOL	Adaptation of a counter specifically for dealing with Family Assistance ^{3/}	Adaptation of in-person Family Courts to enable deposits and restitutions of child support payments	4/16/2020
	Continued execution of orders of imprisonment ^{4/}	Actions of Public Judges regarding family and labor matters related to the execution of orders of imprisonment and/or release	4/16/2020
BRA	Relaxation of the use of imprisonment in cases related to child support debts ^{5/}	Temporary house arrest for child support debts	6/10/2020
CHI	If a child debtor seeks to withdraw savings from individual retirement accounts, child support funds owed are attached ^{6/}	Retention of 10% of savings in individual retirement account for the payment of child support debts	8/13/2020
	Unemployment insurance funds are attached for payment of child support funds owed ^{7/}	Retention of 50% of unemployment insurance for the payment of child support	5/28/2020
	Middle class bonus transfers are attached for payment of child support funds owed ^{8/}	Retention of 50% of middle class bonus transfers for the payment of child support	8/1/2020
	Virtualization of hearings on child support ^{9/}	Adoption of telework for Family Courts. Hearings on provisional child support payments are consider to be urgent and should be held	4/13/2020
COL	Virtualization of child support claims and claim processing ^{10/}	Claims for child support payments and claim processing are done online. Judgments are also transmitted virtually	3/25/2020
CRI	Virtualization of hearings on child support ^{11/}	Continued service by judicial offices through virtual hearings, in any step in the process of claiming child support	6/29/2020
CUB	None identified	--	--

DOR	Action of judges according to the best interests of children and adolescents in previously initiated judicial processes ^{18/}	In already initiated processes related to children and adolescents, judges should take the pertinent actions to guarantee the best interests of the child or adolescent	3/18/2020
ECU	Adoption of a counter exclusively to address petitions for imprisonment ^{12/}	Creation of a special counter in provincial judicial offices to address petitions for imprisonment for child support debts	3/18/2020
ELS	None identified	--	--
GUA	Virtualization of hearings on child support ^{13/}	Continued service by judicial offices through virtual hearings at any stage of the process of claims for child support	9/30/2020
HON	Continuous and permanent reception and provision of child support ^{14/}	Adoption of a system of shifts in Civil Courts that deal with family issues, to attend the public to receive claims or mandate child support	3/16/2020
MEX	Continuous and permanent reception and provision of child support ^{15/}	Adoption of system of on-call services in jurisdictional bodies charged with family matters which deliver deposit-in-court-certificates (<i>billetes de depósito</i>) related to claims for child support	3/18/2020
NIC	None identified	--	--
PAN	Continuous and permanent reception and provision of child support ^{16/}	Implementation of the measures necessary to prevent suspension of reception and provision of child support by the institutions responsible	4/16/2020
PAR	Adaptation of emergency bodies to deal with new demands for child support and payment orders ^{17/}	Creation of emergency bodies of the Supreme Court of Justice 1 to resolve new demands for child support and payment orders	6/9/2020
PERU	Relaxation of the use of imprisonment due to child support debts ^{19/}	Individuals sentenced for child support debts can exchange prison punishment for an alternative punishment if they demonstrate they have paid the debt or civil reparation	4/14/2020
URU	Child support debts attached to unemployment insurance ^{20/}	Precautionary, provisional or definitive child support payments which are obligatory support payments to be deducted from their salary will be deducted from the unemployment insurance of which the child support debtor is a beneficiary	3/4//2020
	Virtualization of hearings on child support ^{21/}	Appeals courts that deal with family issues did not stop their work. These functions can be carried out through telework. Processes related to children and adolescents are considered indispensable.	16/3/2020
VEN	None identified	--	--

- ^{1/} Suprema Corte de Justicia Provincia Autónoma de Buenos Aires. (2020). *Resolución N° 386/20*. Retrieved from file:///C:/Users/cgonz/Downloads/Ver%20resoluci%C3%B3n%20386-20%20(1).pdf
- ^{2/} Suprema Corte de Justicia Provincia Autónoma de Buenos Aires. (2020). *Resolución N° 480/20*. Retrieved from file:///C:/Users/cgonz/Downloads/Ver%20Resoluci%C3%B3n%20SC%20N%20816%20(1).pdf
- ^{3/} Tribunal Supremo de Justicia de Bolivia. (2020). *Instrucciones para garantizar el ejercicio de derechos fundamentales y garantías constitucionales de los justiciables*. Retrieved from <https://tsj.bo/wp-content/uploads/2020/09/CIRCULAR-10-2020.pdf>
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