

## **Act 24417**

### **Protection against family violence Amendment to the Code of Criminal Procedure.**

Passed: December 7, 1994.

Promulgation: December 28, 1994.

Publication: Official Gazette 1/3/95.

Legal reference: Act 2372 (Code of Criminal Procedure): 1881-1888, 441; Act 23984: U-C, 2904.

Section 1: Any person suffering injuries, or physical or psychological abuse by any of the members of the family group may file a verbal or written report concerning such facts before the judge with competence on family matters and to apply for related precautionary measures. To the effects of this Act, family group means the one originated by a married couple or common-law married couple.

Section 2: When the injured party is a minor or someone not legally competent, elder or handicapped, those facts shall be reported by their legal representatives and/or the Attorney's General Office. Social or educational, public or private assistance services, health professionals and any pertinent public official shall also be bound to file such report. the minor or legally incompetent person may directly inform the facts to the Attorney's General Office.

Section 3: The judge shall request for a diagnosis of the family relationship to be carried out by experts on several subjects in order to determine the physical and psychological harm suffered by the victim, the dangerous situation and the social and environmental level of the family. The parties may apply for other technical reports.

Section 4: The judge may adopt, on becoming aware of the facts originating the report, the following precautionary measures:

a) To order that the principal be removed from the house where the family group is residing.

b) To prohibit the principal to enter the domicile of the injured party as well as the place where he is working or studying;

c) To order the return to the domicile at the request of the person who was obliged to leave it for personal safety reasons, excluding the principal;

The judge shall establish the duration of the measures provided for in accordance with the background of the case.

Section 5: The judge shall, within 48 hours of the adoption of the precautionary measures, call the parties and the Attorney's General Office for a settlement hearing urging them and their family group to attend educational and therapeutic programs, bearing in mind the report mentioned in section 3.

Section 6: The regulation of this Act shall foresee the measures leading to supply free medical and psychological assistance to the accused and his/her family group.

Section 7: The reports filed shall be informed to the National Council for Minors and Family in order to coordinate public and private services to prevent and, in any case, overcome the reasons of ill treatment, abuses and any type of violence in the family.

Section 8: The following is inserted as second paragraph to section 310 of the Argentine Code of Criminal Procedure (Act 23984):

In the proceedings carried out for any of the offenses established in the second book, titles I, II, III, V and VI, and title V, on family chapter I of the Criminal Code committed within a family group living together, although based on common-law unions, and the circumstances show that these facts may be repeated, the judge shall order as a precautionary measure that the accused be removed from the home. Should the accused have family assistance duties and such removal could prevent him affording the same, the minors advisor shall intervene so that the corresponding measures be taken.

Section 9: The provinces are herein invited to set forth rules of the same nature as those provided for in this Act.

Section 10: Let it be known, etc.