



PLURINATIONAL STATE OF BOLIVIA
PLURINATIONAL LEGISLATIVE ASSEMBLY

CODE CHILDREN AND ADOLESCENTS

LAW No. 548
OF JULY 17, 2014

INTRODUCTION

The Senate and the Chamber of Deputies present the Code for Children and Adolescents, Law No. 548 of July 17, 2014.

The purpose of the Code is to recognize, develop, and regulate the exercise of the rights of children and adolescents by implementing a Comprehensive Plurinational System for Children and Adolescents to guarantee those rights through the shared responsibility of the State at all levels, the family, and society.

The challenge is to ensure that every Bolivian child and adolescent can fully and effectively exercise their rights, so that they can develop holistically and demand compliance with those rights.

This new legal instrument is based on eleven principles: best interests, absolute priority, equality and non-discrimination, gender equality, participation, cultural diversity, comprehensive development, shared responsibility, role of the family, progressive exercise of rights, and specialization.

The Code is the result of joint efforts by the Legislative Assembly and State institutions responsible for promoting and enforcing the rights of children and adolescents at the central, departmental, and municipal levels, the Judiciary, the Supreme Electoral Tribunal, social movements, social organizations, international cooperation agencies, non-governmental organizations, and the active participation of children and adolescents.

The Code is in line with international instruments ratified by the Bolivian State, but it is also based on an analysis of the real situation and daily challenges faced by Bolivian children and adolescents, within the framework of our culture and ancestral values.

It is now up to all State institutions, social organizations, public and private institutions, international cooperation agencies, non-governmental organizations, and families to ensure that this Code becomes a reality, contributing to the Well-being of all Bolivian children and adolescents.

Sen. Eugenio Rojas Apaza
President
Senate

Deputy Marcelo Elío Chávez
President
House of Representatives

Code for Children and Adolescents
Plurinational Legislative Assembly

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CODE FOR CHILDREN AND ADOLESCENTS

Index by articles

Articles

General provisions 1 to 15

Book I

Rights, guarantees, duties, and protection Title I

Rights and duties 16 to 158

Chapter I

Right to life, health, and the environment 16 to 34

Right to life 16 to 17

Right to health 18 to 21

Right to sexual and reproductive health 22 to 28

Rights of children and adolescents with disabilities 29 to 32

Right to the environment 33 to 34

Chapter II

Right to a family 35 to 107

Section I - General provisions 35 to 50

Section II - Foster Family 51 to 52

Section III - Temporary foster care 53 to 56

Section IV - Guardianship 57 to 65

Section V - Guardianship 66 to 79

Section VI - Adoption 80 to 105

Subsection I - General provisions 80 to 96

Subsection II – Domestic and international adoption 97 to 105

Section VII - Rights and guarantees of children and adolescents

with a mother or father deprived of liberty 106 to 107

Chapter III

Right to nationality, identity, and filiation 108 to 114

Chapter IV

Right to education, information, culture, and recreation 115 to 121

Chapter V

Right to express opinions, participate, and make requests 122 to 125

Chapter VI

Right to protection of children and adolescents in relation to work

Section I - Special protection 126 to 129

Section II - Protection in employment and work 130 to 139

Section III - Violations of the right to protection in relation to work 140 to 140 **Chapter**

VII

Right to freedom, dignity, and image 141 to 144

Chapter VIII

Right to personal integrity and protection against violence 145 to 157

Chapter IX

Duties of children and adolescents 158 to 158

Title II

Plurinational system for the comprehensive protection of children and adolescents 159 to 192

Chapter I

General provisions 159 to 162

Chapter II

Policies, programs, measures, care entities, and sanctions 163 to 177

Section I - Policies 163 to 165

Section II - Protection programs 166 to 167

Section III - Protection Measures 168 to 170

Section IV - Care entities in the protection system 171 to 175

Section V - Sanctions 176 to 176

Section VI - Defense actions applied against

violation of the rights of children and adolescents 177 to 177

Chapter III

Distribution of responsibilities for the management of the

Child and adolescent protection system 178 to 192

Section I - Central Level 178 to 181

Section II - Departmental level 182 to 183

Section III - Municipal level 184 to 188

Section IV - Indigenous and aboriginal peasant level 189 to 189

Section VI - Committees on Children and Adolescents 190 to 192

Book II

Jurisdictional Protection 193 to 258

Title I

Legal Protection 193 to 233

Chapter I

General provisions 193 to 197

Section I - Jurisdiction and competence	198 to 199
Section II - Public courts for children and adolescents	200 to 206
Chapter II	
Competence of public courts in matters relating to children and adolescents	207 to 208
Chapter III	
Common procedure	209 to 233
Title II	
Special procedures.....	234 to 258
Chapter I	
Judicial filiation	234 to 238
Chapter II	
Conversion of guardianship into adoption	239 to 240
Chapter III	
Ordinary guardianship.....	241 to 249
Chapter IV	
Adoption.....	250 to 255
Chapter V	
Administrative and judicial provisions for international adoption	256 to 258
Book III	
Criminal justice system for adolescents.....	259 to 348
Title I	
General provisions	259 to 269
Chapter I	
Criminal justice system, responsibility, and guarantees	259 to 266
Chapter II	
Scope of application	267 to 269
Title II	
Powers, duties, and functions of the members of the juvenile justice system.....	270 to 282
Chapter I	
General obligations	270 to 271
Chapter II	
Ministry of Justice	272 to 272
Chapter III	
Jurisdiction and Competence	273 to 274
Chapter IV	
Public Prosecutor's Office and Bolivian Police	275 to 276

Chapter V

Autonomous departmental governments and powers of the departmental technical body for social policy on criminal responsibility for adolescents277 to 278

Chapter VI

Care entities and programs within the penal system

Section I - Care entities in the penal system279 to 281

Section II - Programs of the penal system282 to 282

Title III

Criminal proceedings involving juveniles283 to 315

Chapter I

Criminal proceedings and participation283 to 286

Chapter II

Arrest, precautionary measures, and procedural risks.....287 to 291

Chapter III

Investigation292 to 295

Chapter IV

Completion of the investigation296 to 308

Section I - Writ and court order.....296 to 297

Section II – Referral298 to 300

Section III - Alternative departures301 to 303

Section IV – Other Conclusive Requirements.....304 to 308

Chapter V

Trial309 to 312

Chapter VI

Appeals.....313 to 315

Title IV

Restorative justice mechanisms316 to 348

Sole Chapter

General provisions316 to 321

Section I - Socio-educational measures322 to 325

Section II - Definition of measures326 to 331

Section III - Specialized centers332 to 339

Section IV - Implementation of socio-educational measures.....340 to 345

Section V - Monitoring of measures.....346 to 347

Section VI - Assessment and compensation for damages348 to 348

Additional provisions(1 to 4)

Transitional provisions(1st to 13th)

Repealing and derogatory provisions.....(1st to 2nd)

Final provisions (1st to 2nd)

Code for Children and Adolescents
Plurinational Legislative Assembly

Art and Layout: SPC
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**LAW No. 548
OF JULY 17, 2014**

**ÁLVARO GARCÍA LINERA
ACTING PRESIDENT OF THE PLURINATIONAL STATE OF BOLIVIA**

**Whereas, the Plurinational Legislative Assembly has
enacted the following Law:**

**THE PLURINATIONAL LEGISLATIVE ASSEMBLY,
DECREES:
CODE FOR CHILDREN AND ADOLESCENTS**

PRELIMINARY TITLE

**SINGLE CHAPTER GENERAL
PROVISIONS**

ARTICLE 1. (PURPOSE). The purpose of this Code is to recognize, develop, and regulate the exercise of the rights of children and adolescents by implementing a Comprehensive Plurinational System for Children and Adolescents to guarantee those rights through the shared responsibility of the State at all levels, the family, and society.

ARTICLE 2. (PURPOSE). The purpose of this Code is to guarantee girls, boys, and adolescents the full and effective exercise of their rights for their comprehensive development and to demand the fulfillment of their duties.

ARTICLE 3. (FRAMEWORK OF COMPETENCE). In application of Paragraph II of Article 297 of the Political Constitution of the State, the exclusive competence for substantive and adjective codification in matters relating to children and adolescents is assigned to the central level of the State.

ARTICLE 4. (SCOPE OF APPLICATION).

- I.** The provisions of this Code are of public order and shall be applied preferentially in favor of all children and adolescents within the national territory.

- II. Under no circumstances shall the rights of children or adolescents be restricted on the basis of differences in stages of development.

ARTICLE 5. (SUBJECTS OF RIGHTS). The subjects of rights under this Code are human beings up to the age of eighteen (18), according to the following stages of development:

- a) Childhood, from conception to the age of twelve (12); and
- b) Adolescence, from twelve (12) years of age to eighteen (18) years of age.

ARTICLE 6. (EARLY CHILDHOOD AND SCHOOL-AGE CHILDHOOD). Early childhood is considered to be infancy is considered to be girls and boys from birth to five (5) years of age, and school age is considered to be girls and boys between the ages of six (6) and twelve (12) years of age.

ARTICLE 7. (PRESUMPTION OF MINORITY). For the purposes of protecting children and adolescents, they shall be presumed to be under eighteen (18) years of age, unless proven otherwise by means of identification documents or other means recognized by the Plurinational State.

ARTICLE 8. (GUARANTEES).

- I. Children and adolescents, as subjects of rights, enjoy the constitutional guarantees and those established in this Code and in the laws.
- II. It is the primary obligation of the State at all levels to guarantee the full exercise of the rights of children and adolescents.
- III. It is the function and obligation of the family and society to ensure that children and adolescents have opportunities that guarantee their comprehensive development in conditions of equality and equity.

ARTICLE 9. (INTERPRETATION). The provisions of this Code shall be interpreted in the best interests of children and adolescents, in accordance with the Political Constitution of the State and international human rights treaties, when these are more favorable.

ARTICLE 10. (FREE OF CHARGE). Judicial or administrative proceedings involving children or adolescents shall be free of charge for them.

ARTICLE 11. (SPECIALIZED TREATMENT). State institutions at all levels involved in the protection of the rights of children and adolescents shall guarantee specialized treatment for children and adolescents, for which purpose they shall develop training, specialization, updating, and institutionalization programs for their operators.

ARTICLE 12. (PRINCIPLES). The principles of this Code are:

- a) **Best interests.** This refers to any situation that promotes the comprehensive development of children and adolescents in the enjoyment of their rights and guarantees. To determine the best interests of children and adolescents in a specific situation, their opinion and that of their mother, father, or both parents, guardian, or tutor must be taken into account, as well as the need for balance between their rights, guarantees, and duties; their specific condition as developing persons; and the need for balance between their rights and guarantees and the rights of others.
- b) **Absolute Priority.** Children and adolescents shall be given preferential attention and protection in the formulation and implementation of public policies, in the allocation of resources, in access to public services, in the provision of assistance and care in situations of vulnerability, and in protection and relief in any circumstance, with all those jointly responsible being obliged to effectively comply with the rights and guarantees of children and adolescents.
- c) **Equality and non-discrimination.** Children and adolescents are free and equal in dignity and rights, and shall not be discriminated against on any grounds.
- d) **Gender Equality.** Girls and adolescents enjoy the same rights and access to the same opportunities as boys and adolescents.
- e) **Participation.** Children and adolescents shall participate freely, actively, and fully in family, community, social, school, scientific, cultural, sports, and recreational life. They shall be heard and taken into account in the areas of their social life and may express their opinions on matters in which they have an interest;
- f) **Cultural Diversity.** Children and adolescents shall be recognized and respected for their identity and belonging to a culture.
- g) **Comprehensive Development.** This seeks to promote the harmonious development of the physical, cognitive, affective, emotional, spiritual, and social capacities of children and adolescents, taking into account their multiple interrelationships and how these relate to the circumstances of their lives.
- h) **Joint Responsibility.** Whereby the State at all levels, families, and society are jointly responsible for ensuring that children and adolescents fully exercise, enjoy, and respect their rights.

- i) **Role of the family.** The fundamental and inalienable role of the family as the natural means of ensuring the comprehensive protection of children and adolescents is recognized, as is its primary and predominant role in their education and upbringing. The State at all levels must ensure appropriate policies, programs, and assistance so that families can adequately assume their responsibilities.
- j) **Progressive Exercise of Rights.** This guarantees children and adolescents the personal exercise of their rights, progressively and in accordance with their evolving capacity. Similarly, they will be required to fulfill their duties; and
- k) **Specialization.** Public servants with responsibilities under this Code must have the necessary and specific knowledge to guarantee the exercise of the rights of children and adolescents.

ARTICLE 13. (COMPREHENSIVE PLURINATIONAL SYSTEM FOR CHILDREN AND ADOLESCENTS).

- I. It is composed of the Plurinational System for the Comprehensive Protection of Children and Adolescents and the Juvenile Justice System; it is the coordinated set of bodies, agencies, institutions, organizations, entities, and services whose primary objective is to guarantee the full enjoyment of the rights of children and adolescents. In order to fulfill the purposes of the Plurinational Comprehensive System, this Code establishes the guidelines for the Plurinational Plan, Departmental and Municipal Plans for children and adolescents, and their respective Programs, within the framework of Public Policy, without prejudice to the creation of other programs by the competent authorities.
- II. The System operates at all levels of the State through intersectoral actions of public interest, developed by public and private sector entities.

ARTICLE 14. (GOVERNING BODY). The public entity responsible for overseeing the sector is the Ministry of Justice.

ARTICLE 15. (ALLOCATION OF RESOURCES).

- I. The central government shall formulate the Plurinational Plan for Children and Adolescents, developing the Prevention and Social Protection Program for Children and Adolescents under the age of fourteen (14) who are engaged in labor, the Comprehensive Program to Combat Sexual Violence against Children and Adolescents, and others, for which it shall allocate sufficient resources in accordance with the availability of the General Treasury of the Nation.
- II. The Autonomous Departmental and Municipal Territorial Entities shall implement the Departmental Program for Children and Adolescents, which includes the operation of Departmental Technical Bodies for Social Policy and their programmatic activities; and the Municipal Program for Children and Adolescents, which includes the operation of the

Office of the Ombudsman for Children and Adolescents and its programmatic activities, respectively; these must be framed within the Plurinational Plan, and to this end, within the scope of their powers, they must have sufficient economic and human resources at their disposal on a mandatory basis.

- III. Private companies must comply with the social responsibility programs they implement, giving priority to children and adolescents, in order to comply with policies, programs, and projects for the care, prevention, and protection of this population.

BOOK I RIGHTS, GUARANTEES, DUTIES, AND PROTECTION OF CHILDREN AND ADOLESCENTS

TITLE I RIGHTS AND DUTIES

CHAPTER I RIGHT TO LIFE, HEALTH, AND THE ENVIRONMENT

ARTICLE 16. (RIGHT TO LIFE).

- I. Children and adolescents have the right to life, which includes the right to live in conditions that guarantee a dignified existence for all children and adolescents.
- II. The State, at all levels, has the obligation to implement public policies that ensure dignified conditions for birth and comprehensive development with equality and equity.

ARTICLE 17. (RIGHT TO AN ADEQUATE STANDARD OF LIVING).

- I. Children and adolescents, with respect for interculturality, have the right to an adequate standard of living that ensures their comprehensive development, which implies the right to nutritious and balanced food in quality and quantity that meets dietary, hygiene, and health standards and prevents malnutrition; clothing appropriate for the climate and that protects health; decent, safe, and healthy housing with essential public services. Mothers, fathers, guardians, and tutors have the primary obligation to guarantee, within their means and economic resources, the full enjoyment of this right.
- II. The State, at all levels, must guarantee the full exercise of this right, respecting the belonging of children and adolescents to an indigenous, native peasant, Afro-Bolivian, and intercultural nation and people.

- III. The State at all levels, through public policies and programs, must ensure conditions for children and adolescents that allow mothers, fathers, guardians, or tutors to fulfill the responsibilities established in this Article.

ARTICLE 18. (RIGHT TO HEALTH). Children and adolescents have the right to complete physical, mental, and social well-being. They also have the right to free, quality health services for the prevention, treatment, and rehabilitation of health conditions.

ARTICLE 19. (UNIVERSAL ACCESS TO HEALTH). The State, through public and private health services, shall ensure that children and adolescents have access to permanent care without discrimination, with actions for promotion, prevention, cure, treatment, habilitation, rehabilitation, and recovery at different levels of care.

ARTICLE 20. (RESPONSIBILITY). Mothers, fathers, guardians, and tutors are the immediate guarantors of their children's right to health. Consequently, they are obliged to comply with the medical instructions and controls that are prescribed.

ARTICLE 21. (EMERGENCY MEDICAL CARE).

- I. Children and adolescents have the right to receive emergency medical care. Public health centers and services are obliged to comply with this rule immediately in cases of emergency.
- II. Private health centers and services must provide immediate medical care to children and adolescents when the absence of medical care or referral to another health center or service poses an imminent danger to their life or serious harm to their health.
- III. In the cases provided for in the preceding paragraphs, it is prohibited to deny care to children and adolescents on the grounds of the absence of parents or guardians, lack of identity documents, or lack of financial resources.
- IV. Failure to comply with this right constitutes an offense that will be punished in accordance with the provisions of this Code.

ARTICLE 22. (RIGHT TO SEXUAL AND REPRODUCTIVE HEALTH).

- I. The State, at all levels, guarantees the development, information processes, awareness-raising, and training related to sexual rights, reproductive rights, comprehensive sexuality, the provision of counseling services, as well as care and access to reproductive health care supplies, through differentiated services.
- II. Children and adolescents, in accordance with their physical and psychological development, have the right to receive information and education on sexuality and sexual and reproductive health

reproductive health, primarily from their father and mother, guardian, or tutor, and within the educational system.

ARTICLE 23. (ACTIONS FOR THE PREVENTION OF TEENAGE PREGNANCY).

- I.** The Ministry of Health, in coordination with the Autonomous Territorial Entities, shall implement actions based on the guidelines of the Community and Intercultural Family Health Policy.
- II.** Every five (5) years, the Ministry of Health shall establish a teenage pregnancy rate applicable to the entire national territory, which shall be monitored annually.
- III.** Autonomous Territorial Entities with a teenage pregnancy rate above that set by the Ministry of Health shall take differentiated actions and may make the necessary budgetary reallocations to reduce this rate.

ARTICLE 24. (MATERNITY PROTECTION). It is the responsibility of the State at all levels to protect maternity by guaranteeing access to:

- a)** Free, high-quality care and good treatment for mothers during the prenatal, delivery, and postnatal stages, with specialized medical treatment, provision of medicines, complementary tests, and, where appropriate, food or nutritional supplements;
- b)** Pregnant mothers who are incarcerated or in other situations;
- c)** In the case of pregnant girls or adolescents, priority will be given to the provision of psychological and social support services during pregnancy, childbirth, and postpartum;
- d)** The necessary conditions for adequate pregnancy, nutrition, and breastfeeding, as well as the necessary opportunities for the continuity of their personal development at the educational and occupational levels, both public and private; and
- e)** The promotion of, free access to, and counseling for voluntary and confidential HIV/AIDS testing for pregnant women, with the necessary information, ensuring that it is provided at no cost and with post-counseling; as well as comprehensive multidisciplinary care, including psychological counseling, scheduled cesarean sections, and antiretroviral treatment for pregnant women with HIV/AIDS.

ARTICLE 25. (OBLIGATION OF HEALTH CARE FACILITIES). Hospitals
Public and private healthcare facilities providing care to pregnant women are required to:

- a) Keep a record of the cases treated by means of individual medical records for a period of eighteen (18) years, including the pelmatoscopic identification or footprint of the newborn and the fingerprint identification of the mother, without prejudice to other methods of identification;
- b) Perform examinations of the newborn to diagnose and treat any diseases that may arise in an appropriate and timely manner;
- c) Issue, free of charge, the certificate of live or stillbirth and the medical discharge form, which must include the details of the delivery and the development of the newborn, as a requirement for discharge from the medical facility;
- d) Ensure that the newborn remains with its mother, when this does not pose a risk to the health and life of the newborn;
- e) Provide effective counseling to adolescents to promote informed decision-making;
- f) Provide respectful, non-revictimizing services to teenage mothers who are victims of sexual violence; and
- g) Allow the father to be present at the time of delivery.

ARTICLE 26. (BREASTFEEDING).

- I. It is the duty of the State at all levels and of private institutions to provide adequate conditions for breastfeeding.
- II. It is the duty of the mother, father, guardian, or tutor to comply with the child's right to breastfeeding.

ARTICLE 27. (ACCOMPANYING THE MOTHER, FATHER, BOTH, GUARDIAN OR GUARDIAN, TUTOR OR GUARDIAN). In cases of care and hospitalization of the child or adolescent, health care facilities must provide adequate conditions for the accompaniment of the mother, father, both parents, guardian or tutor.

ARTICLE 28. (COMPREHENSIVE HEALTH PREVENTION PROGRAMS).

- I. The State, at all levels, shall guarantee the necessary resources for the development and implementation of universal and free programs to promote healthy behaviors and environments at the family and community levels, as well as comprehensive health prevention programs aimed at children and adolescents, with an emphasis on vaccine-preventable diseases, endemic, epidemic, and pandemic diseases, infectious diseases, and with special attention to HIV/AIDS.

- II. Children and adolescents living on the streets shall have access to infection detection programs and the corresponding free treatments.

ARTICLE 29. (RIGHTS OF CHILDREN AND ADOLESCENTS WITH DISABILITIES).

- I. Children and adolescents with physical, cognitive, mental, or sensory disabilities, in addition to their universally recognized rights, enjoy the rights and guarantees enshrined in this Code, as well as those inherent to their specific condition. The State, at all levels, shall guarantee the means and resources for early detection in the first years of life and the corresponding support for stimulation and health care.
- II. The family, the State at all levels, and society must ensure their access to comprehensive, timely, and adequate early detection, care, and rehabilitation services, as well as the full development of their personality to the maximum of their potential. Those jointly responsible guarantee children and adolescents with disabilities the following rights:
 - a) Access to a specialized diagnosis at an early age;
 - b) To receive immediate, permanent, and continuous special care and attention, whether in hospital or outpatient settings, to enable them to fend for themselves;
 - c) To participate actively in the community and enjoy a full life in conditions of dignity and equality;
 - d) Ensuring their access to comprehensive, timely, and adequate care and rehabilitation services;
 - e) Access inclusive education that is timely, relevant, and comprehensive, in accordance with their needs, expectations, and interests, preferably in the regular education system or in special education centers; and
 - f) Be part of an early detection and prevention program.
- III. The State, at all levels, shall guarantee the necessary means for the population to be informed about the situation of disability and early detection mechanisms.

ARTICLE 30. (OBLIGATION OF EARLY DETECTION, CARE,

REHABILITATION, AND EDUCATION). Mothers, fathers, guardians, tutors, or the entity legally responsible for children and adolescents have the obligation to guarantee early detection diagnoses, care services,

rehabilitation and education in a timely and appropriate manner, when necessary, through specialized institutions, and the obligation to comply with the corresponding guidelines and recommendations.

ARTICLE 31. (OBLIGATION TO REPORT). Persons who are aware of the existence of a child or adolescent with a disability who is not receiving treatment or is receiving inadequate care have the obligation to report this to the appropriate authorities.

ARTICLE 32. (ASSESSMENTS). State health entities and specialized institutions shall assess the degree of disability of children and adolescents so that they may preferably enter the regular education system or, where appropriate, special education centers. Children and adolescents admitted to an institution for the purposes of care, protection, and physical or mental health treatment have the right to periodic evaluations, at least once every six months. Children and adolescents with disabilities who are undergoing outpatient treatment have the same right.

ARTICLE 33. (RIGHT TO THE ENVIRONMENT). Children and adolescents have the right to a healthy, ecologically balanced, and preserved environment.

ARTICLE 34. (RIGHT TO WATER AND QUALITY SANITATION).

- I. Children and adolescents have the right to access quality drinking water, sanitation, and hygiene for the full enjoyment of life and the care of their health.
- II. The State, at all levels, shall guarantee access to, availability of, and affordability of safe drinking water and sanitation that is sufficient and healthy, acceptable for personal and domestic use at all times, and shall promote its sustainable use.

CHAPTER II RIGHT TO FAMILY

SECTION I GENERAL PROVISIONS

ARTICLE 35. (RIGHT TO FAMILY).

- I. Children and adolescents have the right to live, develop, and be educated in an environment of affection and security within their family of origin or, exceptionally, when this is not possible or contrary to their best interests, in a substitute family that ensures family and community life.
- II. Children and adolescents shall not be separated from their families, except in exceptional circumstances defined by this Code and determined by the Public Prosecutor for Children and Adolescents, following due process and for the purpose of protecting them.

ARTICLE 36. (FAMILY OF ORIGIN). This is constituted by the mother and father or by either parent, descendants, ascendants, and collateral relatives, in accordance with civil law.

ARTICLE 37. (FAMILY MAINTENANCE).

- I. Under no circumstances shall a child or adolescent be separated from their mother or father, except as provided for in this Code.
- II. The lack or absence of material and economic resources may not be interpreted as violence, nor does it constitute in itself grounds for initiating proceedings to terminate or suspend the authority of the mother, father, or both.
- III. The State, through all its levels, in coordination with civil society, shall formulate comprehensive and interdisciplinary public policies and programs aimed at promoting a culture of peace and conflict resolution within the family, preventing the abandonment of children and adolescents.

ARTICLE 38. (RIGHT TO KNOW ONE'S MOTHER AND FATHER). Children and adolescents have the right to know their mother and father of origin.

ARTICLE 39. (AUTHORITY OF THE MOTHER OR FATHER). The authority of the mother or father is exercised on equal terms, ensuring that either of them, in the event of disagreement, has the right to appeal to the competent judicial authority to resolve the dispute.

ARTICLE 40. (RIGHT TO MAINTAIN PERSONAL RELATIONSHIPS AND DIRECT CONTACT WITH THE MOTHER AND FATHER). Children and adolescents have the right to maintain regular and ongoing personal relations and direct contact with their mother and father, even when they are separated, unless this is contrary to their best interests.

ARTICLE 41. (DUTIES OF THE MOTHER AND FATHER). Mothers and fathers have common and equal responsibilities and obligations to provide affection, food, sustenance, care, protection, health, education, and respect, and to participate in and support the implementation of State policies to guarantee the exercise of their children's rights in accordance with the provisions of this Code and family law regulations.

ARTICLE 42. (SUSPENSION OF PARENTAL AUTHORITY).

- I. The suspension of the authority of the mother, father, or both is a judicial determination to temporarily restrict the exercise of their authority when the rights of their children under the age of eighteen (18) are violated.
- II. The suspension of authority may be:

- a) Partial, whereby the exercise of maternal or paternal authority is limited to certain acts, without the need for separation from their children; and
- b) Total, whereby the exercise of maternal or paternal authority is completely suspended.

III. The mother or father whose authority has been suspended shall continue to assume their maintenance obligations.

ARTICLE 43. (GROUNDS FOR PARTIAL SUSPENSION). Partial suspension shall apply in the following cases:

- a) Failure, negligence, or unjustified breach of duties, despite having the means to perform them; and
- b) Action or omission, duly proven, that jeopardizes the safety, integrity, and well-being of their children, even if it is a disciplinary measure.

ARTICLE 44. (GROUNDS FOR TOTAL SUSPENSION). Total suspension shall apply in the following cases:

- a) Temporary interdiction, declared by a court;
- b) Illness or accident, or other involuntary causes, that prevent the exercise of maternal or paternal authority;
- c) Problems with alcohol or drug use that endanger the physical or mental integrity of their children;
- d) Being convicted as perpetrators, accomplices, or instigators in crimes against their children, except in crimes that are grounds for the termination of authority;
- e) Any action or omission that exposes their children to situations that threaten their safety, dignity, or integrity; and
- f) Being convicted as the mastermind of crimes committed by their children, except for crimes that are grounds for termination of parental authority.

ARTICLE 45. (JUDICIAL AUTHORITY). The judge who decides on the total suspension of parental authority may extend it to the other children, according to the assessment of the specific case, establishing family assistance according to the needs of the child or adolescent and the economic capacity of the mother or father.

ARTICLE 46. (RESTITUTION). The exercise of authority may be restored when the grounds for partial suspension have disappeared or when the mother, father, or both,

demonstrate their ability and aptitude to exercise it, before the same judicial authority that suspended it.

**ARTICLE 47. (GROUNDS FOR TERMINATION OF PARENTAL AUTHORITY).
PATERNAL AUTHORITY).** The termination of authority shall apply for the following reasons:

- a)** Death of the last parent;
- b)** Negligent action or omission that endangers the safety, well-being, integrity, or life of their children, duly proven by a competent authority;
- c)** Renunciation of authority by justified consent for the purposes of adoption;
- d)** Permanent prohibition, declared by a court;
- e)** Final conviction with a prison sentence of between seven (7) and thirty (30) years for crimes against children, adolescents, infanticide, or femicide;
- f)** Repeated failure to comply with measures imposed on parents, or both parents, established for the suspension of parental authority;
- g)** Repeated criminal behavior; and
- h)** Proven abandonment of a child.

ARTICLE 48. (WAIVER OF PARENTAL AUTHORITY BY CONSENT FOR ADOPTION).

- I.** The waiver of parental authority by consent shall be processed before the Public Prosecutor for Children and Adolescents, with the following requirements:
 - a)** The mother or father must give their consent in a state of lucidity, without pressure, promise of payment or compensation, and with full knowledge of the legal, social, and psychological consequences of the decision;
 - b)** Consent must be given in writing and ratified verbally at a hearing; and
 - c)** The consent of the mother, father, or both must be given after the birth of the child. Consent given before birth is null and void.
- II.** The consent of the mother, father, or both is irrevocable and becomes effective upon the final court decision defining the status of the child or adolescent.

ARTICLE 49. (CONSENT FOR ADOPTION BY ADOLESCENT MOTHERS AND FATHERS).

- I.** In order for the adolescent mother or father to give their consent to the termination of their parental authority, they must necessarily appear in person, accompanied by their mother, father, guardian, or tutor, who must express their opinion.
- II.** If they do not have a mother, father, guardian, or tutor, the judge will appoint a special guardian.
- III.** The Office of the Ombudsman for Children and Adolescents will intervene to conduct the corresponding investigation and psychosocial report.
- IV.** If the adolescent mother or father does not give the required consent, the judge shall conclude the proceedings.

ARTICLE 50. (COMMON PROVISION). In the ruling suspending or terminating the authority of the mother and/or father, the judge for children and adolescents shall appoint the person who will assume legal guardianship or custody, a position that shall be given priority to a member of the extended family, after hearing the child or adolescent.

SECTION II SUBSTITUTE FAMILY

ARTICLE 51. (FOSTER FAMILY). A foster family is one that, by court order, temporarily or permanently takes in a child or adolescent, undertaking to fulfill the same duties as a mother or father.

ARTICLE 52. (INTEGRATION INTO A SUBSTITUTE FAMILY).

- I.** This is effected through guardianship, custody, or adoption, under the terms set forth in this Code and taking into account the following conditions:
 - a)** Children and adolescents shall be heard beforehand, taking into account their stage of development, and their opinion shall be taken into account by the judge in the ruling;
 - b)** Comprehensive assessment of the degree of kinship, the relationship of affinity and affection, their origin, cultural conditions, region, and place of residence;
 - c)** Avoid separating siblings, unless this causes emotional or psychological harm;
 - d)** The foster family must be selected and trained through a program specially created for this purpose, to assume their responsibilities for the care, protection, and assistance of the child or adolescent.

- e) Priority shall be given to families in the child or adolescent's community environment; and
 - f) Ensure that children and adolescents have a safe environment, emotional and affective stability, and adequate socialization.
- II. The State, at all levels, shall formulate public policies and implement departmental and municipal programs that guarantee the restoration of the right to a substitute family for children and adolescents living in shelters.

SECTION III CIRCUMSTANTIAL FOSTER CARE

ARTICLE 53. (CIRCUMSTANTIAL FOSTER CARE). Circumstantial foster care is an exceptional and provisional measure, carried out in situations of extreme urgency or need in favor of a child or adolescent, when there is no other means for the immediate protection of their violated or threatened rights and guarantees.

ARTICLE 54. (OBLIGATION TO REPORT CIRCUMSTANTIAL FOSTER CARE).

- I. The persons and entities receiving the child or adolescent are required to report the temporary foster care to the Office of the Ombudsman for Children and Adolescents or community authorities within twenty-four (24) hours of the time of placement.
- II. The Office of the Ombudsman for Children and Adolescents must notify the judicial authority responsible for children and adolescents or the judicial authority on duty of the temporary foster care within twenty-four (24) hours of becoming aware of the situation.
- III. Once the judicial authority responsible for children and adolescents has been informed of the temporary placement, it shall have a maximum of thirty (30) days to determine the measure for the integration of the child or adolescent into a foster family or referral to a shelter.
- IV. This measure shall be evaluated on an ongoing basis and its application shall not be considered deprivation of liberty.

ARTICLE 55. (REFERRAL TO A FOSTER CARE ENTITY).

- I. The referral of the child or adolescent to a public or private foster care facility constitutes an exceptional, temporary protective measure, ordered solely by the judge, through a reasoned decision, when none of the other protective measures provided for in this Section can be applied.

- II. The application of this measure shall not be considered deprivation of liberty and shall be carried out in strict accordance with the provisions of this Code.

ARTICLE 56. (PROHIBITION OF PROFIT). Any form of profit derived from placement in foster families or foster care centers shall be subject to the penalties established by law.

SECTION IV CUSTODY

ARTICLE 57. (CUSTODY).

- I. Custody is a legal institution whose purpose is the care, protection, attention, and comprehensive assistance of children and adolescents on a temporary basis. It is granted by judicial resolution to the mother or father in cases of divorce or separation from common-law marriages, or to third parties, without affecting maternal or paternal authority.
- II. Custody confers on the custodian the duty to protect the interests of the child or adolescent against third parties, including the mother, father, or both, as well as to process family assistance.

ARTICLE 58. (TYPES OF CUSTODY). The following types of custody are established:

- a) Due to family separation, in accordance with the provisions of family law; and
- b) Custody granted by the judge or public prosecutor in matters of children and adolescents to a person who does not have legal guardianship over the child or adolescent, subject to the provisions of this Code.

ARTICLE 59. (REQUIREMENTS FOR EXERCISING CUSTODY).

- I. To exercise custody, the following requirements must be met:
 - a) Be of legal age;
 - b) Be in good physical and mental health, as evidenced by a medical certificate and psychological evaluation issued by the Departmental Technical Social Policy Authority;
 - c) A social report issued by the Departmental Technical Social Policy Authority;
 - d) Application justifying the measure; and

e) Have no final conviction for intentional crimes against life and integrity.

- II. The child or adolescent, depending on their stage of development, must be heard beforehand, and their opinion will be fundamental to the judge's decision.

ARTICLE 60. (VALIDITY, FOLLOW-UP, AND AUTHORIZATION).

- I. Custody shall remain in effect until the suspension or termination of parental authority and the measures imposed on the mother, father, or both are determined. When the child or adolescent has no identified mother or father, or there is a conflict of filiation, custody shall be granted to third parties.
- II. The judge shall, in a ruling, order the Office of the Ombudsman for Children and Adolescents to monitor the guardianship and establish the place where it is to be exercised within the national territory.
- III. The guardian may be authorized by the Departmental Technical Social Policy Authority to proceed with the adoption process.

ARTICLE 61. (PROHIBITION). Those responsible for custody may under no circumstances transfer the child or adolescent whose custody has been entrusted to them to third parties.

ARTICLE 62. (REVOCATION). Custody may be revoked by judicial decision, either ex officio or at the request of a party, taking into account the reports ordered and after hearing the child or adolescent.

ARTICLE 63. (PROCEDURE AND EXERCISE). Custody shall be processed by family members, third parties, or the Office of the Ombudsman for Children and Adolescents before the judge or public prosecutor responsible for children and adolescents in the jurisdiction where the child or adolescent resides, and shall be exercised at the place of residence of the designated custodian within Bolivian territory. In the event of a change of residence, the guardian shall notify the judge prior to the change of address.

ARTICLE 64. (MIGRANT MOTHER OR FATHER). In cases of migration of the mother, the parent who has custody, or both, they must notify the Office of the Ombudsman for Children and Adolescents, for the corresponding proceedings before the Judge for Children and Adolescents, so as not to be suspended from their authority, indicating or identifying the persons who will remain in charge and enabling this instance to monitor the situation of the children.

ARTICLE 65. (PROMOTION OF FOSTER CARE PROGRAMS). The State, at all levels, through the appropriate agencies, shall promote programs that encourage the fostering of children or adolescents who lack a family or the authority of a mother and father.

SECTION V GUARDIANSHIP IP

ARTICLE 66. (GUARDIANSHIP). Guardianship is a legal institution that, by legal mandate, is granted by the Public Judge for Children and Adolescents to a person of legal age. Its purpose is to guarantee the rights of children and adolescents, provide them with comprehensive care, represent them in civil matters, and administer their property.

ARTICLE 67. (APPLICABILITY). Guardianship applies in the following cases:

- a)** Death of the mother and father;
- b)** Termination or total suspension of the authority of the mother and father;
- c)** Declaration of interdiction of the mother and father; and
- d)** Disavowal of parentage.

ARTICLE 68. (TYPES OF GUARDIANSHIP). There are two types of guardianship: ordinary and extraordinary.

- a)** Ordinary guardianship is a function of public interest that cannot be delegated, exercised by persons appointed by the Public Prosecutor for Children and Adolescents, under the terms and procedures provided for in this Code, from which no one can be exempted except for legitimate reasons.
- b)** Extraordinary guardianship is the public function exercised by the State when ordinary guardianship is not possible.

ARTICLE 69. (REQUIREMENTS FOR GUARDIANS FOR ORDINARY GUARDIANSHIP).

The following are requirements for access to ordinary guardianship:

- a)** Be of legal age;
- b)** Be in good physical and mental health, as evidenced by a medical certificate, psychological evaluation, and social report issued by the Departmental Technical Social Policy Authority;
- c)** Not have an enforceable sentence for crimes of violence against children or adolescents, or domestic or gender-based violence; and
- d)** Provide sufficient bail, where applicable.

ARTICLE 70. (EXEMPTION FROM BAIL). The following are exempt from providing bail:

- a) Grandmothers, grandfathers, sisters, and brothers;
- b) Those who have been appointed by virtue of a designation made by the last of the parents who exercised authority;
- c) The guardian, when there are no assets to administer.

ARTICLE 71. (INCOMPATIBILITY FOR GUARDIANSHIP). The following persons may not be guardians and, if they have been appointed, shall be removed from office:

- a) Adults subject to guardianship;
- b) Persons, parents, spouses, or children who have pending legal proceedings contrary to the interests of the child or adolescent;
- c) Persons with an enforceable sentence for crimes against life, personal integrity, liberty and sexual freedom, human trafficking, abuse of children or adolescents, domestic or gender-based violence, and crimes against public and private property;
- d) Persons removed from another guardianship;
- e) Persons suffering from serious illness, addiction, or behavior that endangers the health and safety of others; and
- f) Persons who have been hostile toward the mother, father, or ancestors of the child or adolescent.

ARTICLE 72. (APPLICATION OF PROVISIONS ON AUTHORITY OF FATHERS AND MOTHERS). The provisions governing the authority of mothers and fathers apply to guardianship.

ARTICLE 73. (REMUNERATION). The guardian shall receive remuneration set by the judge, which shall not be less than five percent (5%) nor exceed ten percent (10%) of the income produced by the assets under their administration. This provision does not apply to guardianship exercised by ascendants or siblings.

ARTICLE 74. (REMOVAL). The guardian shall be removed from guardianship for:

- a) Causes of incompatibility provided for in Article 71 of this Code;
- b) Failure to submit the budget, annual reports, or statements of account when required; and

- c) Negligence, mismanagement, or breach of trust that endangers the person or property of the ward.

ARTICLE 75. (TERMINATION OF OFFICE). In addition to the grounds for incompatibility, the office of guardian shall terminate due to:

- a) Death of the guardian;
- b) Accepted resignation; and
- c) Removal.

ARTICLE 76. (TERMINATION). Guardianship shall terminate upon:

- a) Death of the ward;
- b) Emancipation of the ward;
- c) The ward reaching the age of majority; and
- d) Restoration of the authority of the mother or father.

ARTICLE 77. (HEIRS). The heirs of the guardian are solely responsible for the administrative acts of their predecessor, and if they are of legal age, they may only perform acts of conservation until a new guardian is appointed.

ARTICLE 78. (EXERCISE OF EXTRAORDINARY GUARDIANSHIP).

- I. Extraordinary guardianship cannot be delegated and is exercised through the Departmental Technical Authority of Social Policy, subject to this Code.
- II. The Departmental Technical Authority for Social Policy may delegate the care of the child or adolescent subject to its guardianship by signing agreements with public or private non-profit institutions.

ARTICLE 79. (PROCESSING OF BENEFITS OF EXTRAORDINARY GUARDIANSHIP). The Departmental Technical Social Policy Authority shall process the benefits granted by law to the child or adolescent and family assistance, where applicable. The amounts allocated shall be deposited in the name of the child or adolescent in a bank account that guarantees their value, as verified by a savings book or deposit certificates, before the judge hearing the case.

SECTION VI ADOPTION

SUBSECTION I GENERAL PROVISIONS

ARTICLE 80. (DEFINITION).

- I.** Adoption is a legal institution through which a child or adolescent who is eligible for adoption acquires the status of son or daughter of the adopter in a stable, permanent, and definitive manner. It may be national or international.
- II.** This institution is established in the best interests of the adoptee.

ARTICLE 81. (OBLIGATIONS IN THE ADOPTION PROCESS). In order to protect the best interests of the child or adolescent, public servants and personnel of private institutions shall act with speed, ethical integrity, without discrimination, using objective mechanisms and complying with established protocols.

ARTICLE 82. (EQUALITY OF CHILDREN). Adoption grants the child or adolescent the same status as a child born to the adoptive mother and father, with the same rights and duties established in the Political Constitution of the State and the laws, with family responsibility and reciprocity, without distinction of roles.

ARTICLE 83. (IDENTIFICATION AND SELECTION). It is the obligation of the Departmental Social Policy Authorities to identify and select adoption applicants. This process shall be carried out in accordance with procedure.

ARTICLE 84. (REQUIREMENTS FOR ADOPTION APPLICANTS).

- I.** The following requirements are established for adoption applicants:
 - a)** Be at least twenty-five (25) years of age and at least eighteen (18) years older than the adopted child or adolescent;
 - b)** In the case of married couples or couples in a civil union, at least one must be under fifty-five (55) years of age, unless they have been living together for one year prior to the adoption, without prejudice to the possibility that bio-psychosocial reports may recommend adoption within a shorter period of time.
 - c)** Marriage certificate, for married couples;
 - d)** In the case of common-law couples, the relationship must be proven in accordance with current regulations;
 - e)** Be in good physical and mental health, as evidenced by a medical certificate and psychological evaluation;

- f)** Social report;
 - g)** Certificate of residence issued by the competent authority;
 - h)** Certificate of no criminal record for intentional crimes, issued by the appropriate authority;
 - i)** Certificate of preparation for adoptive mothers or fathers;
 - j)** Certificate of suitability;
 - k)** Favorable post-adoption report for new adoption procedures.
- II.** The requirements set forth in paragraphs a) and b) shall be proven by means of a birth certificate.
- III.** Single persons may apply for national or international adoptions, provided they meet the requirements set forth in Paragraph I, as applicable.
- IV.** To prove compliance with the requirements of paragraphs e), f), i), j), and k), the Departmental Technical Office for Social Policy shall be consulted to issue the relevant documents within a period not exceeding thirty (30) days.
- V.** It is prohibited to require any requirements other than those established in this Article.

ARTICLE 85. (REQUIREMENTS FOR THE ADOPTED CHILD OR ADOLESCENT).

The requirements for a child or adolescent to be adopted are:

- a)** To have Bolivian nationality and reside in the country;
- b)** Be under eighteen (18) years of age on the date of the adoption application, unless already in the custody of the adoptive parents;
- c)** A court order terminating the parental authority of the mother or father or establishing legal parentage;
- d)** Have the necessary preparation and information on the effects of adoption by the Departmental Technical Social Policy Authority, according to its stage of development.

ARTICLE 86. (GRANTING OF ADOPTION).

- I.** Adoption shall only be granted by means of an enforceable court ruling, in the best interests of the child or adolescent, once the suitability

of the adoption applicants and the opinion, where appropriate, of the child or adolescent.

- II. The registration of the adoptee in the Civil Registry Service shall grant the mother, father, or both adoptive parents:
 - a) Job security for one year;
 - b) Maternity or adoptive paternity leave for a period of two (2) months on an alternating basis for the full adaptation of the adoptee to the family unit;
 - c) This leave does not apply when there is a pre-existing cohabitation relationship between the adoptive parents and the adoptee.
- III. Until the judge determines the viability of the adoption, pre-adoptive cohabitation will not be authorized.

ARTICLE 87. (TEMPORARY PRE-ADOPTIVE COHABITATION).

- I. Pre-adoptive cohabitation is the temporary living arrangement between the adoptive applicants and the child or adolescent to be adopted for the purpose of establishing the emotional compatibility and psychosocial parenting skills of the applicant.
- II. In the case of national or international adoption, the cohabitation stage must be completed in the national territory for a period not exceeding two (2) months.
- III. The cohabitation period may be waived for domestic adoptions when the child or adolescent to be adopted, regardless of age, has already been in the company of the adoptive mother or father for a minimum of one (1) year.
- IV. The Departmental Technical Social Policy Authority shall conduct at least one evaluation of the results of the cohabitation period in the case of domestic adoption, and at least two (2) evaluations in the case of international adoption.

ARTICLE 88. (PROHIBITIONS). The adoption of the following is prohibited:

- a) Unborn human beings.
- b) Predetermined applicants.

ARTICLE 89. (PREFERENCE FOR ADOPTION).

- I. A child born of a common-law union or previous marriage of either spouse may be adopted by the other spouse on an exceptional basis, provided that:

- a) There is acceptance on the part of the child or adolescent, when possible;
 - b) The parental authority of the mother or father has been terminated by a final judgment.
- II. The State, at all levels, shall give preference to and promote the national and international adoption of:
- a) Children over the age of 4;
 - b) Groups of siblings;
 - c) Children or adolescents with disabilities;
 - d) Children or adolescents who require minor surgery or medical treatment that does not involve risk to life, loss of limbs, or other serious consequences.
- III. Preferences for adoption shall be processed on a priority basis.

ARTICLE 90. (INVALIDITY OF REPRESENTATION). Any actions taken by power of attorney or instruments of delegation by the adopting applicant shall be invalid, except for preparatory actions for international adoption, until before the first hearing.

ARTICLE 91. (WITHDRAWAL OR DEATH OF APPLICANTS). In the event that one of the adoptive applicants who are spouses or cohabitants withdraws before the adoption is granted, the other may continue with the process in accordance with the requirements. If one of them dies, the survivor may continue with the process until its conclusion.

ARTICLE 92. (DISCONTINUATION OF ADOPTION PROCEEDINGS). If, during the adoption proceedings, a petition for separation, divorce, or dissolution of the common-law union arises, the applicants may jointly adopt the child or adolescent, provided that they agree on custody and visitation rights; otherwise, the process will be terminated with respect to them.

ARTICLE 93. (CONFIDENTIALITY OF THE PROCESS).

- I. The adoption process is strictly confidential. At no time may the file be shown to any outside person, nor may any testimony or certificate of the documents contained therein be granted, nor may any verbal or written information be provided.
- II. The confidentiality referred to in the previous paragraph may be lifted in exceptional cases upon a reasoned request from the Office of the Ombudsman for Children and Adolescents, the Departmental Technical Authority for Social Policy, the Public Prosecutor's Office, or the Ministry of Justice, by means of a court order.
- III. Once the process is complete, the file shall be archived and kept secure. Violation of confidentiality shall entail criminal liability, with the exception of the provisions of Article 95 of this Code.

ARTICLE 94. (PROHIBITION OF PROFIT). The existence of profit or material benefits, gifts, donations, or presents to public servants and authorities of shelters, adoption agencies, and public institutions in general who are aware of these processes shall be reported to the Public Prosecutor's Office, which shall pursue the process *ex officio*.

ARTICLE 95. (RIGHTS OF THE ADOPTED PERSON).

- I. The mother, father, or both adoptive parents must inform the adopted daughter or son, in accordance with the maturity of the child or adolescent, of their status as an adoptee. This information must be advised and accompanied by specialized personnel from the corresponding Departmental Technical Social Policy Agency, at the simple request of the adoptive mother or father.
- II. Persons who have been adopted, upon reaching the age of majority or upon emancipation, have the right to know the background of their adoption and references from their family of origin. They may request the corresponding information from the Ministry of Justice or the Departmental Technical Office for Social Policy.

ARTICLE 96. (SUPPORT GROUPS). The Departmental Social Policy Authorities shall form groups for adopted children, who shall be provided with support and psychological therapy when required.

SUBSECTION II NATIONAL AND INTERNATIONAL ADOPTION

ARTICLE 97. (NATIONAL ADOPTION APPLICANTS). National adoption is that which is carried out only by applicants of Bolivian nationality who reside in the country or who, being foreigners, have permanent residence in Bolivian territory for more than two (2) years.

ARTICLE 98. (INTERNATIONAL ADOPTION APPLICANTS).

- I. International adoption applies only to applicants of foreign nationality residing abroad or, if they are Bolivian nationals, who have their domicile or habitual residence outside the country.
- II. Domestic adoption shall be granted priority over international adoption.

ARTICLE 99. (INTERNATIONAL INSTRUMENTS). Foreign or Bolivian applicants residing abroad are subject to the requirements set forth in this Code and the corresponding international instruments in force in the domestic legal system of the Plurinational State of Bolivia.

ARTICLE 100. (APPLICATION OF INTERNATIONAL INSTRUMENTS).

- I.** For international adoption to proceed, it is essential that the country of residence of the adoptive applicant be a party to the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, and that there be adoption agreements between the Plurinational State of Bolivia and the State of residence of the adoptive applicants, ratified by the Legislative Body.
- II.** In these agreements or in a subsequent addendum, each State shall establish its Central Authority for the purpose of processing international adoptions and for the purposes of the corresponding follow-up. The Central Authority for international adoptions is the competent body of the Executive Branch.
- III.** This Central Authority shall act directly or through duly accredited agencies in its own State and before the Central Authority of the Plurinational State of Bolivia. Intermediary agencies in matters of international adoption shall be subject to the control of the Central Authority of the Plurinational State of Bolivia.

ARTICLE 101. (APPLICATION FOR INTERNATIONAL ADOPTIONS).

- I.** Foreign nationals and Bolivians living abroad who wish to adopt must do so through representatives of accredited intermediary agencies, submitting documentation certifying their suitability, issued by the country where they reside, to the Central Authority of the Plurinational State of Bolivia.
- II.** Once suitability has been approved by the Central Authority of the Plurinational State of Bolivia, a copy of the certificate of suitability shall be sent to the relevant Departmental Technical Social Policy Authority for inclusion in an international adoption procedure.

ARTICLE 102. (REQUIREMENTS FOR INTERNATIONAL ADOPTION APPLICANTS).

- I.** In addition to the provisions of Article 84 of this Code, the following requirements are established:
 - a)** Medical certificates attesting that the applicants are in good physical and mental health, approved by the interdisciplinary team of the Departmental Social Policy Authority;
 - b)** Valid passports, where applicable;
 - c)** Certificate of suitability issued by the Central Authority of the applicant's State; and

- d) Authorization for the entry of the child or adolescent into the country of residence of the prospective adoptive parent.

- II. These documents must be issued by the competent authority of the country of residence, authenticated and translated into Spanish through legal procedures, for legalization by the diplomatic representation of the Plurinational State of Bolivia.

ARTICLE 103. (FOLLOW-UP IN INTERNATIONAL ADOPTION). The Central Authority The receiving country is responsible for post-adoption monitoring, submitting reports every six (6) months for two (2) years. These reports must be translated into Spanish and legalized free of charge at the Bolivian diplomatic mission accredited to the country of residence. Notwithstanding the foregoing, the Central Authority of the Plurinational State of Bolivia has the power to carry out any control and monitoring actions it deems necessary.

ARTICLE 104. (PRESENCE OF ADOPTION APPLICANTS)
INTERNATIONAL). In international adoption proceedings, the physical presence of the adoptive applicant is mandatory, from the hearing for the pre-adoption period until the date of enforcement of the judgment and issuance of the Certificate of Conformity by the Central Authority of the Plurinational State of Bolivia.

ARTICLE 105. (NATIONALITY). Bolivian children or adolescents who are adopted by foreigners retain their Bolivian nationality, without prejudice to acquiring that of the adopter.

SECTION VII RIGHTS AND GUARANTEES OF CHILDREN AND ADOLESCENTS WITH A MOTHER OR FATHER DEPRIVED OF THEIR LIBERTY

ARTICLE 106. (RIGHTS AND GUARANTEES). Children and adolescents whose mother or father is deprived of liberty have the following rights and guarantees:

- a) To remain with the parent who is not deprived of liberty;
- b) If both parents are deprived of liberty, they shall be placed with relatives or a foster family in accordance with the provisions of this Code and, if this is not possible, they shall be placed in specific programs or shelters for the duration of the deprivation of liberty, ensuring that this is in the same locality where their parents are serving their sentence;
- c) Exceptionally, children under six (6) years of age may remain with their mothers, but under no circumstances in men's prisons. Child development centers or daycare centers must be set up in areas adjacent to women's prisons.
- d) Access care and support programs for their comprehensive development, according to their situation; and

- e) Maintain emotional ties with their mother, father, or both, for which the extended family, foster family, or shelter will facilitate regular visits with them.

ARTICLE 107. (RESPONSIBILITY).

- I. The Ministry of Government, through the authorities of the General Directorate of the Penitentiary System, when applicable, is responsible for compliance with the provisions of the preceding Article.
- II. When said authorities become aware of the irregular stay of a child or adolescent in prison facilities, they are obliged to notify the Office of the Ombudsman for Children and Adolescents. Failure to do so on the part of the judicial authority or public servant shall be punished in accordance with the provisions of this Code, without prejudice to the corresponding criminal or administrative responsibilities.

CHAPTER III RIGHT TO NATIONALITY, IDENTITY, AND PARENTAGE

ARTICLE 108. (NATIONALITY). Children and adolescents acquire Bolivian nationality from the moment of their birth in the territory of the Plurinational State, as do those born abroad to a Bolivian mother or father, in accordance with the provisions of the Political Constitution of the State, without any other requirements.

ARTICLE 109. (IDENTITY).

- I. Children and adolescents have the right to their own individual name, to have two surnames, paternal and maternal, or a single surname from the mother or father and another conventional surname to complete the two surnames; or, failing that, to have two conventional surnames.
- II. The Civil Registry Service shall develop brief and free procedures that allow children and adolescents to exercise their right to identity and filiation.

ARTICLE 110. (FILIAION).

- I. Parentage constitutes a legal bond between the mother, father, or both, and the daughter or son, which implies reciprocal responsibilities and rights.
- II. The mother and father are required to register the filiation of their daughter or son at the time of birth and up to thirty (30) days thereafter. Filiation may be established by the simple indication of either parent and, depending on the case, a conventional surname may be established.
- III. The mother, father, or both assume equal responsibility for the emotional and material care of the child, even if the child or adolescent bears the conventional and maternal surname without the testimony of the other parent.

- IV.** Family law shall establish mechanisms for maternal and paternal responsibility.
- V.** The registration of a child or adolescent who, due to exceptional circumstances, is registered more than thirty (30) days after birth, shall be carried out free of charge.

ARTICLE 111. (LEGAL PARENTAGE).

- I.** When the identity of the mother and father of the child or adolescent does not exist or is unknown, and the Office of the Ombudsman for Children and Adolescents has exhausted all means to identify them, this entity shall file a paternity suit before the judicial authority to determine the conventional first and last names.
- II.** The circumstance of conventional names and surnames shall only be recorded in the marginal notes of the corresponding birth certificate books. They may not be disclosed to third parties without a court order.

ARTICLE 112. (PROHIBITIONS). The affiliation of a child or adolescent born as a result of rape or statutory rape with the perpetrator of such crimes is prohibited, and a conventional surname may be added.

ARTICLE 113. (REGISTRATION REQUIREMENT).

- I.** At the time of registration, the Civil Registry Officer may advise the mother, father, guardian, or tutor to assign names that are not grounds for discrimination.
- II.** It is the obligation of the Civil Registry Officer to respect the original names and surnames assigned by the mother, father, or authority of an indigenous or aboriginal farming nation or people.

ARTICLE 114. (FREE REGISTRATION).

- I.** The child must be registered in the Civil Registry and receive the first Birth Certificate free of charge.
- II.** In the event that you are under special guardianship, homeless, a working teenager, or in a situation of emergency or natural disaster, you will be issued a duplicate Birth Certificate free of charge.

CHAPTER IV RIGHT TO EDUCATION, INFORMATION, CULTURE, AND RECREATION

ARTICLE 115. (RIGHT TO EDUCATION).

- I.** Children and adolescents have the right to free, comprehensive, and quality education aimed at the full development of their personality, aptitudes, and physical and mental abilities.
- II.** Children and adolescents have the right to a quality and caring education that is intracultural, intercultural, and multilingual, enabling their comprehensive and differentiated development, preparing them for the exercise of their rights and citizenship, instilling in them respect for human rights, intercultural values, and care for the environment, and qualifying them for work.

ARTICLE 116. (GUARANTEES).

- I.** The Plurinational Education System guarantees girls, boys, and adolescents:
 - a)** Education free from violence against any member of the educational community, preserving their physical, psychological, sexual, and/or moral integrity, promoting peaceful coexistence, with gender and generational equality and equity;
 - b)** Education free from racism and any form of discrimination, promoting a culture of peace and good treatment;
 - c)** Respect for the principal, teachers, and administrators of the Plurinational Education System and their peers;
 - d)** Practices and the use of non-sexist and non-discriminatory teaching and learning resources;
 - e)** Provision of advisory services, awareness-raising, education on the exercise of their rights, and the enhancement and strengthening of their capacities;
 - f)** Challenging evaluation criteria when they do not comply with those established by the competent authority, with the possibility of appealing to higher authorities;
 - g)** Participation in educational management processes;
 - h)** Providing access to information on the teaching process and educational management for students and their mothers, fathers, guardians, or tutors; and

- i) Awareness-raising and access to adequate information and timely training in comprehensive sexuality education within the framework of the curriculum.
- II. The implementation of the educational model is centered on the rights of children and adolescents, their comprehensive development, and the quality of education.

ARTICLE 117. (SCHOOL DISCIPLINE). Rules of conduct and peaceful and harmonious coexistence must be administered with respect for the rights and guarantees of children and adolescents, taking into account their duties, which must be subject to the following provisions:

- a) All children and adolescents must have access to and timely information on the content of the corresponding internal regulations for peaceful and harmonious coexistence.
- b) The regulations for peaceful and harmonious coexistence in educational units must establish the acts that are subject to reprimand, sanction, and penalties, as well as the procedure for applying them;
- c) Before imposing any reprimand and/or sanction, all children and adolescents must be guaranteed the exercise of their rights to express their opinion and to defend themselves, thus also guaranteeing their right to appeal to a higher and impartial authority; and
- d) Corporal punishment is prohibited.

ARTICLE 118. (PROHIBITION OF EXPULSION). The authorities of the Plurinational Education System are prohibited from rejecting or expelling pregnant students, regardless of their marital status, as well as students on the basis of their sexual orientation, disability, or HIV/AIDS status. Policies of inclusion, protection, and infrastructure for their continued enrollment must be promoted to ensure the overall well-being of the student until the completion of their studies.

ARTICLE 119. (RIGHT TO INFORMATION).

- I. Children and adolescents have the right to receive, seek, and use all types of information that is appropriate for their development. The State at all levels, mothers, fathers, guardians, and tutors have the obligation to ensure that children and adolescents receive accurate, diverse, and developmentally appropriate information.
- II. The State shall establish the necessary regulations and policies to guarantee children and adolescents access to, and the ability to obtain, receive, seek, disseminate, and express information through any technological means, with the appropriate legal protection to ensure respect for their rights.

- III. The media are obliged to contribute to the education of children and adolescents by providing information of social and cultural interest, covering the informational and educational needs of this population, and promoting the dissemination of the rights, duties, and guarantees established in this Code, through free spaces, on a mandatory basis. They must also broadcast and publish multilingual cultural, artistic, informational, and educational programs and sections, as well as in alternative languages, aimed at children and adolescents, in accordance with regulations.

ARTICLE 120. (RIGHT TO CULTURE). Children and adolescents have the right to:

- a) Have their knowledge and experience of the culture to which they belong or with which they identify recognized, respected, and promoted;
- b) Participate freely and fully in cultural and artistic life in accordance with their identity and community.

ARTICLE 121. (RIGHT TO RECREATION, LEISURE, SPORTS, AND PLAY).

- I. Children and adolescents have the right to recreation, leisure, sports, and play.
- II. The exercise of these rights must be aimed at ensuring the comprehensive development of children and adolescents and strengthening the values of solidarity, tolerance, cultural identity, and environmental conservation.
- III. The State, at all levels, shall promote public policies with sufficient funding aimed at creating recreation, leisure, and sports programs for all children and adolescents, especially those with disabilities.
- IV. The authorities responsible for the construction of educational, sports, recreational, and leisure facilities shall apply minimum technical accessibility standards so that children and adolescents with disabilities can fully exercise and enjoy, on an equal basis, all their rights recognized in this Code.

CHAPTER V

RIGHT TO EXPRESS AN OPINION, PARTICIPATE, AND MAKE REQUESTS

ARTICLE 122. (RIGHT TO EXPRESS AN OPINION).

- I. Children and adolescents, in accordance with their age and stage of development, have the right to freely express their opinions on matters of interest to them and to have those opinions taken into account.

- II. Opinions may be expressed on a personal basis or on behalf of their organization, as appropriate.

ARTICLE 123. (RIGHT TO PARTICIPATE).

- I. Children and adolescents have the right to participate freely, actively, and fully in family, community, social, school, cultural, sports, and recreational life, as well as to progressively become active citizens in lawful meetings and organizations, according to their age and interests, whether in family, school, or community life and, in accordance with legal provisions, in social and political life.
- II. The State at all levels, families, and society shall guarantee and promote opportunities for children and adolescents to participate in dignified conditions.

ARTICLE 124. (RIGHT OF PETITION). Children and adolescents have the right to make direct petitions, individually or collectively, orally or in writing, to any public or private entity without the need for representation, and to receive a timely and adequate response.

ARTICLE 125. (ROLE OF THE STATE). The State, at all levels, guarantees in all areas adequate mechanisms that facilitate and promote opportunities for opinion, participation, and petition.

CHAPTER VI RIGHT TO PROTECTION OF CHILDREN AND ADOLESCENTS IN RELATION TO WORK

SECTION I SPECIAL PROTECTION

ARTICLE 126. (RIGHT TO PROTECTION AT WORK).

- I. Children and adolescents have the right to be protected by the State at all levels, their families, and society, especially against economic exploitation and the performance of any work or labor that may hinder their education, involve danger, be unhealthy, or undermine their dignity and integral development.
- II. The State at all levels shall implement the Prevention and Social Protection Program for Children and Adolescents under fourteen (14) years of age who are engaged in work, with social protection projects to support families living in extreme poverty.
- III. The right to protection at work covers both employment and work carried out on one's own account and on behalf of others.

ARTICLE 127. (ACTIVITIES WITHIN THE FAMILY).

- I. The activities carried out by children and adolescents within the family and community social framework are educational in nature and serve the purpose of socialization and learning.
- II. Family and community social work must not, under any circumstances, threaten or violate the rights of the children and adolescents who perform it, nor deprive them of their dignity, integral development, and enjoyment of their childhood, adolescence, and schooling.

ARTICLE 128. (FAMILY COMMUNITY ACTIVITIES).

- I. These are activities carried out by children and adolescents, together with their families, in indigenous, Afro-Bolivian, and intercultural communities. These activities are culturally valued and accepted, and their purpose is to develop fundamental life skills and strengthen community coexistence within the framework of Living Well, built on the basis of ancestral knowledge that includes activities such as planting, harvesting, and caring for natural resources such as forests, water, and animals, with constant playful, recreational, artistic, and religious components.
- II. These types of activities are carried out in accordance with their own rules and procedures, within the framework of indigenous and aboriginal peasant jurisdiction, when they do not constitute labor exploitation or threaten or violate the rights of children and adolescents.

ARTICLE 129. (MINIMUM AGE FOR WORK).

- I. The minimum age for working is set at fourteen (14) years of age.
- II. Exceptionally, the Ombudsman's Offices for Children and Adolescents may authorize self-employment by children or adolescents aged ten (10) to fourteen (14) years of age, and employment by adolescents aged twelve (12) to fourteen (14) years of age, provided that this does not undermine their right to education, is not dangerous, unhealthy, or detrimental to their dignity and integral development, or is expressly prohibited by law.
- III. The request must be answered within seventy-two (72) hours of receipt, following a socio-economic assessment, and will be registered in the Information System on Children and Adolescents (SINNA).
- IV. The authorization record for a specific category may be modified upon verbal request by the interested party, without the need to initiate a new authorization process. The Offices of the Ombudsman for Children and Adolescents may, if necessary, request a new medical and psychological evaluation.

SECTION II PROTECTION IN WORK AND EMPLOYMENT

ARTICLE 130. (GUARANTEES).

- I.** The State, at all levels, shall guarantee the exercise or performance of work by adolescents over fourteen (14) years of age, with the same rights as adult workers.
- II.** The protection and guarantees for adolescents over fourteen (14) years of age at work shall be extended to adolescents under fourteen (14) years of age who, exceptionally, are authorized to perform any work activity under the conditions established by the Offices of the Ombudsman for Children and Adolescents.
- III.** The work or self-employment carried out by children and adolescents between the ages of ten (10) and eighteen (18) must fully respect all their rights and guarantees.

ARTICLE 131. (CONSENT AND AUTHORIZATION).

- I.** Children and adolescents between the ages of ten (10) and eighteen (18) must freely express and consent to their willingness to perform any work or labor activity.
- II.** The employer is required to obtain written permission from the mother, father, guardian, or tutor, as applicable, using a form issued by the Ministry of Labor, Employment, and Social Security, which must be authorized by:
 - a)** The Ombudsman's Office for Children and Adolescents, for adolescent workers aged twelve (12) to fourteen (14) years old; and
 - b)** The Ministry of Labor, Employment, and Social Security, for adolescent workers over fourteen (14) years of age.
- III.** The Offices of the Ombudsman for Children and Adolescents shall authorize employment and self-employment for children and adolescents aged ten (10) to eighteen (18).
- IV.** In all cases, before granting authorization, the Offices of the Ombudsman for Children and Adolescents must arrange for a comprehensive medical evaluation of children and adolescents between the ages of ten (10) and eighteen (18) to certify their health and physical and mental capacity to perform the corresponding work or job.

ARTICLE 132. (LABOR PROTECTION PROVISIONS FOR ADOLESCENTS EMPLOYED BY OTHERS).

- I.** Work for others is carried out:

- a) On behalf of an employer;
 - b) In exchange for monthly, weekly, piecework, or any other form of financial remuneration; and
 - c) In a relationship of employment dependency.
- II. To ensure fair remuneration for adolescents over the age of fourteen (14), their remuneration may not be less than that of an adult performing the same work, may not be less than the national minimum wage, and may not be reduced outside the scope of the law. The salary of adolescent workers must always be for their benefit and in pursuit of a better quality of life.
 - III. The employer must guarantee the necessary safety conditions for adolescents over fourteen (14) years of age to perform their work.
 - IV. The employer may not limit their right to education and must grant them two (2) hours per day for study, which must be remunerated.
 - V. The employer must allow adolescent workers to participate in trade unions, which may not restrict their access to leadership positions within their structure.
 - VI. The working day may not exceed eight (8) hours per day and forty (40) hours per week. Working hours may not exceed 10:00 p.m.
 - VII. The work activity of adolescents under fourteen (14) years of age authorized by the Offices of the Ombudsman for Children and Adolescents may not exceed six (6) hours per day and thirty (30) hours per week.

ARTICLE 133. (PROTECTIVE PROVISIONS FOR SELF-EMPLOYED CHILDREN AND ADOLESCENTS).

- I. Self-employment is work that is not part of family or community social activities and is carried out without a relationship of subordination or employment dependency.
- II. The mother, father, or both, the guardian, or the tutor must guarantee the child or adolescent who is working or self-employed access to and permanence in the education system, a special schedule, and the necessary conditions for rest, culture, and recreation.
- III. The working hours for children and adolescents aged ten (10) to fourteen (14) years of age who are self-employed shall not exceed 10:00 p.m.

- IV.** No authorization for work may be granted when the conditions in which it is performed are dangerous to the life, health, integrity, or image of self-employed children and adolescents between the ages of ten (10) and fourteen (14).

ARTICLE 134. (PAID DOMESTIC WORK).

- I.** This consists of paid work in the home carried out by adolescents over the age of fourteen (14), including cooking, cleaning, laundry, housekeeping, childcare, and assistance.
- II.** The hiring of salaried adolescents in the home must be for specific tasks or for one of the specific activities indicated in the preceding paragraph; hiring for multiple jobs or imposing tasks for which they have not been hired is prohibited.
- III.** In the case of hiring an adult for paid domestic work who lives with one or more of their children in the employer's home, the latter are prohibited from working.
- IV.** This type of work shall be regulated in accordance with the relevant provisions of this Title and the laws, provided that they are interpreted in accordance with the best interests of children and adolescents.

ARTICLE 135. (PROHIBITIONS). The following are prohibited:

- a)** The labor exploitation of children or adolescents, as well as the performance of any work or labor activity without their consent and fair compensation;
- b)** The hiring of adolescents over fourteen (14) years of age to perform any type of work or labor outside the country;
- c)** The intermediation of recruiters, paid placement agencies, employment agencies, or other similar private services for the recruitment and employment of children and adolescents;
- d)** Illegal retention, compensation, and payment in kind;
- e)** Performing work or night work after 10 p.m.;
- f)** The transfer of adolescent workers without the authorization of their mother, father, guardians, or tutors;
- g)** Overtime work for adolescents under fourteen (14) years of age, as they are still in a stage of development; and
- h)** Others established by current regulations.

ARTICLE 136. (LABOR ACTIVITIES AND DANGEROUS, UNHEALTHY, OR INJURIOUS TO DIGNITY).

- I.** Work activities and jobs that are dangerous, unhealthy, or offensive to the dignity of children and adolescents due to their nature and conditions are prohibited, as are those that jeopardize their continued participation in the education system.
- II.** Depending on their nature, the following are prohibited:
 - a)** Sugar cane harvest;
 - b)** Chestnut harvesting;
 - c)** Mining (as a miner, driller, lamero, or dynamiter);
 - d)** Fishing in rivers and lakes (unless it is within the family or community social sphere);
 - e)** Brickmaking;
 - f)** Sale of alcoholic beverages;
 - g)** Collection of waste that affects your health;
 - h)** Hospital cleaning;
 - i)** Protection and security services;
 - j)** Live-in domestic work; and
 - k)** Plastering.
- III.** Depending on their condition, the following are prohibited:
 - a)** Work in agricultural activities (unless it is within the family or community social sphere and the tasks are appropriate for their development);
 - b)** Raising livestock (unless it is within the family or community and the tasks are appropriate for their development);
 - c)** Trade outside established hours;
 - d)** Modeling that involves the sexualization of the image;
 - e)** Attending to urinals outside of established hours;

- f)** Handcrafted stonework;
- g)** Work involving sound amplification;
- h)** Handling dangerous machinery;
- i)** Bricklaying (provided that it is not in a family or community social setting and the tasks are not appropriate for their development); and
- j)** Caretaker outside of established hours.

IV. Other prohibitions that may be specified by express regulation.

V. The Ministry of Labor, Employment, and Social Security shall periodically update the list of work activities and jobs that are dangerous, unhealthy, or harmful to the dignity and integrity of children and adolescents, at least every five (5) years, with the social participation of the actors involved.

VI. The State, at all levels, shall establish a policy and develop a program for the elimination of the determinants of work activities and jobs that are dangerous, unhealthy, or harmful to the dignity and integrity of children and adolescents.

ARTICLE 137. (SOCIAL SECURITY FOR WORKING ADOLESCENTS).

- I.** Adolescent workers have the right to be compulsorily registered in the Social Security System and shall enjoy all the benefits, financial allowances, and health services provided by this System, under the same conditions as those applicable to persons over eighteen (18) years of age, in accordance with the special legislation on the matter. To this end, the employer must register the adolescent worker in the Social Security System immediately after they start work.
- II.** Self-employed adolescents may voluntarily join the Social Security System. The contribution corresponding to the adolescent worker shall be set taking into account their ability to pay, for which their particular economic situation shall necessarily be taken into account.
- III.** The Autonomous Departmental Governments and the Autonomous Municipal Governments are responsible for promoting the design of plans aimed at guiding adolescent workers to make the corresponding contributions to the Social Security System.

ARTICLE 138. (REGISTRATION OF EMPLOYMENT OR SELF-EMPLOYMENT OR EMPLOYMENT BY OTHERS).

- I.** The Offices of the Ombudsman for Children and Adolescents shall be responsible for registering the authorization of children and adolescents aged ten (10) to fourteen (14) who perform work or employment for their own account or for others.
- II.** A copy of the registration of adolescents aged twelve (12) to fourteen (14) years of age shall be sent to the Ministry of Labor, Employment, and Social Security by the Ombudsman's Offices for Children and Adolescents for the purposes of inspection and supervision.
- III.** The Ministry of Labor, Employment, and Social Security shall be responsible for registering the authorization of adolescents over fourteen (14) years of age who are employed by others.
- IV.** The Ministry of Labor, Employment, and Social Security, the Autonomous Municipal Governments, and the Ombudsmen for Children and Adolescents shall guarantee that the entire registration process is free of charge.
- V.** The registration data will be sent monthly by the Ombudsman's Offices for Children and Adolescents and the Ministry of Labor, Employment, and Social Security to the Ministry of Justice and incorporated into the Information System for Children and Adolescents (SINNA).

ARTICLE 139. (INSPECTION AND SUPERVISION).

- I.** The Ministry of Labor, Employment, and Social Security, through the Labor Inspectorate and its specialized personnel, will carry out permanent inspections and supervision in the workplaces of adolescents, in urban and rural areas, to verify that there are no violations of labor rights, within the framework of current regulations.
- II.** If the inspection reveals a violation of human rights, the Office of the Ombudsman for Children and Adolescents shall be notified so that the rights can be restored through legal proceedings.

SECTION III VIOLATIONS OF THE RIGHT TO PROTECTION IN RELATION TO WORK

ARTICLE 140. (VIOLATIONS). The following are violations of the right to protection in relation to work:

- a)** Hiring or profiting from the labor of a child;

- b)** Hiring or profiting from the labor of an adolescent under fourteen (14) years of age without the authorization of the Office of the Ombudsman for Children and Adolescents, as provided for in this Code;
- c)** Hiring an adolescent without proper registration in the registry of working adolescents;
- d)** Failing to register the adolescent worker in the Social Security System;
- e)** Hiring an adolescent for any of the jobs prohibited by current regulations;
- f)** Obstructing inspection and supervision carried out by the Ministry of Labor, Employment, and Social Security;
- g)** Failing to comply with the educational nature and conditions established for activities within the family or community framework for children and adolescents, or with the nature of family community activities; and
- h)** Others that violate the right to protection of children and adolescents in relation to work.

CHAPTER VII

RIGHT TO FREEDOM, DIGNITY, AND IMAGE

ARTICLE 141. (RIGHT TO FREEDOM). Children and adolescents have the right to personal freedom, with no limits other than those established in the Political Constitution of the State and in this Code. They cannot be deprived of this right illegally or arbitrarily. They also have the right to:

- a)** Freedom to move about in public spaces without restrictions other than those established by law and the powers of their mother, father, guardian, or tutor;
- b)** Freedom of thought, conscience, opinion, and expression;
- c)** Freedom of religious belief and worship;
- d)** Freedom of assembly for lawful and peaceful purposes;
- e)** Freedom of peaceful demonstration, in accordance with the law, with no limits other than the legal powers of their mother, father, guardian, or tutor;
- f)** Freedom to organize according to their interests, needs, and expectations in order to channel their initiatives, demands, and proposals;

- g)** Freedom of association for social, cultural, sporting, recreational, religious, economic, labor, political, or any other purpose, provided that it is lawful; and
- h)** Freedom to freely express one's opinion and disseminate ideas, images, and information of all kinds, whether orally, in writing, or by any other means.

ARTICLE 142. (RIGHT TO RESPECT AND DIGNITY).

- I.** Children and adolescents have the right to be respected in their physical, psychological, cultural, emotional, and sexual dignity.
- II.** If the adolescent is subject to socio-educational measures involving deprivation of liberty, he or she has the right to be treated with the respect that his or her dignity deserves. They enjoy all the rights and guarantees established in the Political Constitution of the State, without prejudice to those established in their favor in this Code, except for those restricted by legally imposed sanctions.

ARTICLE 143. (RIGHT TO PRIVACY AND FAMILY INTIMACY).

- I.** Children and adolescents have the right to privacy and intimacy in family life.
- II.** Family privacy and intimacy must be guaranteed as a priority by the family, the State at all levels, society, and the media.

ARTICLE 144. (RIGHT TO PROTECTION OF IMAGE AND CONFIDENTIALITY).

- I.** Children and adolescents have the right to respect for their own image.
- II.** Judicial authorities, public servants, and the staff of private institutions have the obligation to maintain confidentiality and protect the identity of children and adolescents who are involved in any type of proceeding and to restrict access to documentation about them, unless expressly authorized by the competent authority.
- III.** When disseminating or broadcasting news involving children or adolescents, the media are required to protect their identity and that of their family environment in cases that could affect their image or integrity.
- IV.** The competent authorities may establish special formats for dissemination, in accordance with regulations.

CHAPTER VIII

RIGHT TO PERSONAL INTEGRITY AND PROTECTION AGAINST VIOLENCE

ARTICLE 145. (RIGHT TO PERSONAL INTEGRITY).

- I. Children and adolescents have the right to personal integrity, which includes their physical, psychological, and sexual integrity.
- II. Children and adolescents may not be subjected to torture or other cruel, inhuman, or degrading treatment or punishment.
- III. The State at all levels, families, and society must protect all children and adolescents against any form of exploitation, mistreatment, abuse, or neglect that affects their personal integrity.

ARTICLE 146. (RIGHT TO GOOD TREATMENT).

- I. Children and adolescents have the right to be treated well, which includes non-violent upbringing and education based on mutual respect and solidarity.
- II. The exercise of authority by mothers, fathers, guardians, tutors, family members, and educators must employ non-violent methods in upbringing, training, education, and correction. Any type of physical, violent, or humiliating punishment is prohibited.

ARTICLE 147. (VIOLENCE).

- I. Violence is defined as any action or omission, by any means, that causes deprivation, injury, harm, suffering, damage to physical, mental, emotional, or sexual health, impaired development, or even death to a child or adolescent.
- II. Violence shall be punished by the criminal judge when it is classified as a crime by criminal law.
- III. Forms of violence that are not classified as crimes in criminal law constitute offenses and shall be punished by the public prosecutor for children and adolescents, in accordance with the provisions of this Code, taking into account the seriousness of the act and the sound judgment of the judge.

ARTICLE 148. (RIGHT TO BE PROTECTED AGAINST SEXUAL VIOLENCE).

- I. Children and adolescents have the right to be protected against any form of violation of their sexual integrity. The State, at all levels, must design and implement policies for the prevention of and protection against all forms of abuse,

exploitation, or premature sexualization of children and adolescents, as well as guarantee permanent and free programs of assistance and comprehensive care for abused, exploited, and sexualized children and adolescents.

II. The following are forms of violation of the sexual integrity of children and adolescents:

- a)** Sexual violence, which constitutes any conduct defined in the Criminal Code that affects the sexual freedom and integrity of a child or adolescent;
- b)** Sexual exploitation, which constitutes any conduct classified in the Criminal Code, consisting of any form of sexual abuse or violence, with the aim of obtaining some form of remuneration;
- c)** Precocious sexualization or hypersexualization, which constitutes the sexualization of precocious expressions, postures, or dress codes, allowing or instructing children or adolescents to adopt roles and behaviors with erotic attitudes that are not appropriate for their age, thereby committing psychological violence; and
- d)** Any other type of conduct that violates the sexual integrity of children and adolescents.

III. Girls and female adolescents enjoy full protection and guarantees in accordance with the provisions of Article 266 of the Criminal Code, with immediate effect.

ARTICLE 149. (PREVENTIVE AND PROTECTIVE MEASURES AGAINST SEXUAL VIOLENCE).

- I.** Without prejudice to the provisions of Paragraph I of the preceding Article, the following specific measures shall be adopted to combat sexual violence against children and adolescents:
 - a)** Control and monitoring of persons with final convictions for crimes against sexual freedom committed against children or adolescents;
 - b)** Application of psychological or psychiatric treatment, as a security measure, for persons with final convictions for crimes against sexual freedom committed against children or adolescents, for as long as specialists deem appropriate, even after they have served their prison sentences;
 - c)** Prohibition for the persons described in the preceding paragraphs, once they have served their criminal sentence, from living, working, or staying near parks, leisure and recreation centers for children and adolescents, educational facilities, or places where this population congregates, regardless of the application of the custodial sentence imposed;

- d) Both public and private institutions that perform tasks related to children or adolescents must, for the purposes of hiring personnel, first subject applicants to psychological examinations to assess their suitability; and
 - e) Judges in criminal matters who issue convictions for crimes against sexual freedom committed against children or adolescents must include in their rulings the prohibitions provided for in paragraphs b) and c) of this Article.
- II. Criminal judges and the Public Prosecutor's Office who hear and investigate crimes against sexual freedom committed against children and adolescents are required to prioritize and expedite them in accordance with the law, until their conclusion, under their responsibility.

ARTICLE 150. (PROTECTION AGAINST VIOLENCE IN THE EDUCATION SYSTEM).

The protection of the life and physical and psychological integrity of members of the educational community involves the prevention, attention, and punishment of violence in the educational system of the Plurinational State of Bolivia, with the aim of consolidating peaceful and harmonious coexistence, a culture of peace, tolerance, and justice, within the framework of Living Well, good treatment, solidarity, respect, intraculturality, interculturality, and non-discrimination among its members.

ARTICLE 151. (TYPES OF VIOLENCE IN THE EDUCATION SYSTEM).

- I. For the purposes of this Code, the following are considered forms of violence in the Education System:
- a) **Peer violence.** Any type of abuse involving the exercise of power between two (2) students, or a group of students against one student or participant, who is harassed, punished, or bullied.
 - b) **Non-peer violence.** Any type of violence involving the exercise and/or abuse of power by parents, teachers, administrative staff, service personnel, and professionals who work within an educational unit and/or center against students and/or participants;
 - c) **Verbal Violence.** Refers to insults, shouting, derogatory, disparaging, and/or denigrating words, expressed orally and repeatedly among members of the educational community;
 - d) **Discrimination in the Education System.** Conduct that consists of any form of distinction, exclusion, restriction, or preference based on sex, color, age, sexual orientation and gender identity, origin, culture, nationality, social and/or health status, level of education, different abilities and/or physical, intellectual, or sensory disabilities, pregnancy, origin, physical appearance, clothing, surname, or other factors within the education system.

- e) **Gender-based violence.** Any act of violence based on gender identity that results or may result in physical, sexual, or psychological harm or suffering for any member of the educational community.
- f) **Violence Based on Economic Status.** Any act aimed at discriminating against any member of the educational community based on their economic status, which affects harmonious and peaceful coexistence; and
- g) **Cyber Violence in the Education System.** This occurs when a or a member of the educational community is harassed or threatened. or threatened, harassed, defamed, humiliated, maliciously by another person or persons, causing emotional distress and concern, through emails, video games connected to the internet, social networks, blogs, instant messaging, and text messages via the internet, mobile phone, or any other information and communication technology.

II. The types of violence described in this Article shall be considered offenses as long as they do not constitute crimes.

ARTICLE 152. (PREVENTIVE AND PROTECTIVE MEASURES IN THE EDUCATION SYSTEM).

- I. In order to prevent, stop, and eliminate violence, aggression, and/or harassment in educational units and/or centers, the following collective actions shall be adopted by the educational community:
 - a) Develop and implement non-violent measures to resolve emerging tensions and conflicts;
 - b) Develop a culture of peaceful and harmonious coexistence without violence, explicitly rejecting any behavior or acts that cause intimidation and victimization;
 - c) Break the culture of silence and fear by reporting behaviors and acts of any kind of violence;
 - d) Develop a Plan for Peaceful and Harmonious Coexistence, in accordance with the reality of each educational unit and/or center;
 - e) Disseminate and promote rules against violence, aggression, and/or harassment in educational units and/or centers; and

- f)** Report cases that are considered serious and false reports.
- II.** The Plan for Peaceful and Harmonious Coexistence shall be mandatory for each educational unit and/or center, and shall be developed by the higher authorities in an open, participatory, and pluralistic process that must involve all members of the educational community, within the framework of the Political Constitution of the State and international treaties and conventions on the rights and guarantees of children and adolescents, in accordance with regulations.
- III.** The Plan for Peaceful and Harmonious Coexistence shall contain the following guidelines:
 - a)** The rights and duties of members of the educational community and/or centers;
 - b)** Rules of conduct that promote peaceful and harmonious coexistence and good treatment within the educational community;
 - c)** Disciplinary procedures that describe in detail behaviors that violate the rules of coexistence;
 - d)** A description of the internal sanctions defined by educational units and/or centers, whether public, private, or under agreement;
 - e)** The framework procedure for adopting disciplinary decisions that must be subject to criteria and values established by national, departmental, municipal, and regional educational regulations, avoiding arbitrary decisions in all cases;
 - f)** A description of alternative procedures for conflict resolution, if the community so establishes, provided that they do not contravene any rules;
 - g)** The submission of annual reports on cases of harassment, violence, and/or abuse in their various forms to the Ministry of Education;
 - h)** The organization of training programs and workshops aimed at prevention; and
 - i)** The programming of activities with the sole purpose of promoting a climate of peaceful and harmonious coexistence within educational units and/or centers.
- IV.** The Plan for Peaceful and Harmonious Coexistence must be included in the annual planning of educational units and/or centers and evaluated annually.

ARTICLE 153. (OFFENSES FOR VIOLENCE AGAINST CHILDREN AND ADOLESCENTS).

- I.** The judge or public prosecutor for children and adolescents, upon complaint by the Office of the Ombudsman for Children and Adolescents, shall hear and punish the following offenses of violence:
 - a)** Subjecting children or adolescents to physical punishment or other forms of treatment that degrade or affect their dignity, whether as disciplinary or educational measures, except for injuries classified as criminal offenses under criminal law;
 - b)** Emotional or psycho-affective neglect in daily interactions with their mother, father, guardian, or tutor;
 - c)** Failure to provide adequate and timely food, clothing, housing, education, or health care, despite having the means to do so;
 - d)** Use of the child or adolescent as an object of pressure, blackmail, or harassment in family conflicts;
 - e)** Use of the child or adolescent as an object of pressure or blackmail in social conflicts, as well as instigation to participate in any type of de facto measures;
 - f)** Arbitrary removal and retention of a child or adolescent by any member of the family of origin who removes them from the authority exercised by their mother, father, guardian, or extraordinary guardian;
 - g)** Inducing the child or adolescent to consume substances harmful to their health;
 - h)** Requiring activities within the family that put the education, life, health, integrity, or image of the child or adolescent at risk; and
 - i)** Violence in the school environment, both by peers and non-peers, without prejudice to criminal proceedings, and provided that it is classified as such in criminal law.
- II.** These actions do not need to be permanent to be considered offenses.

ARTICLE 154. (SPECIALIZED CARE FOR VICTIMS AND WITNESSES OF

CRIMES). The Public Prosecutor's Office, through its specialized units, and the Ministry of Justice, through the Plurinational Victim Assistance Service System (SEPDAVI), within the scope of their powers, will assist children and adolescents who are victims or witnesses of crimes in their psycho-emotional recovery, providing:

- a) Respectful, high-quality, and compassionate specialized treatment, under conditions of privacy and confidentiality, in their native language or an appropriate language, and with the assistance of a multidisciplinary team; and
- b) The application of official care protocols and critical pathways, also taking into account the advance of evidence to avoid revictimization.

ARTICLE 155. (OBLIGATION TO REPORT).

- I. All persons, whether private individuals or public servants, who have knowledge of acts of violence against children or adolescents are obliged to report them within a maximum period of twenty-four (24) hours of becoming aware of the act, to the Ombudsman's Office for Children and Adolescents or any other competent authority.
- II. In the absence of the authorities described in the previous paragraph of this Article, the indigenous and peasant authorities may be consulted, who, depending on the case, shall refer the report to the competent authorities.

ARTICLE 156. (PERMANENT PREVENTION AND CARE PROGRAMS).

- I. At all levels of government, there shall be permanent programs for the prevention and care of violence against children and adolescents.
- II. The Public Prosecutor's Office and public judges for children and adolescents are required to coordinate with the relevant authorities to develop special measures to prevent the revictimization of children and adolescents.

ARTICLE 157. (RIGHT OF ACCESS TO JUSTICE).

- I. Children and adolescents have the right to request the protection and restoration of their rights, by all means provided by law, before any person, entity, or public or private body.
- II. All protection, restitution, and restoration of the rights of children and adolescents must be resolved in jurisdictional and non-jurisdictional settings, through specialized bodies and agile and timely procedures.
- III. Children and adolescents have the right to appear in person or through their mother, father, guardian, or tutor before the competent, independent, and impartial authority to defend their rights and have that authority decide on their request in a timely manner.
- IV. The preeminence of the rights of children and adolescents also implies the State's guarantee to seek the restitution and restoration of their right to physical, psychological, and sexual integrity.

. Any form of conciliation or settlement in cases involving children or adolescents who are victims of violence is prohibited.

CHAPTER IX DUTIES OF CHILDREN AND ADOLESCENTS

ARTICLE 158. (DUTIES). Children and adolescents have the following duties:

- a)** To preserve their life and health;
- b)** To assume their responsibility as active participants in the construction of society;
- c)** To know, exercise, preserve, and defend their rights and respect the rights of others;
- d)** To take advantage of the opportunities provided by the State, society, and their families for their comprehensive development;
- e)** Respect your mother, father, guardian, tutor, teachers, and everyone else;
- f)** Fulfill your obligations in the educational sphere;
- g)** Act with honesty and shared responsibility at home and in all areas of life;
- h)** Respect, comply with, and obey the legal provisions and legitimate orders issued by public authorities;
- i)** Honor your country and respect its symbols;
- j)** Respect the environment and Mother Earth; and
- k)** Value national cultures and production.

TITLE II PLURINATIONAL SYSTEM FOR THE COMPREHENSIVE PROTECTION OF CHILDREN AND ADOLESCENTS

CHAPTER I GENERAL PROVISIONS

ARTICLE 159. (SCOPE).

- I.** The Plurinational System for the Comprehensive Protection of Children and Adolescents (SIPPROINA) is a coordinated set of bodies, agencies, institutions, organizations, entities, and services. This system will implement the Plurinational Plan for Children and Adolescents,

whose specific objectives, strategies, and programs have the primary goal of guaranteeing the full enjoyment of the rights of children and adolescents.

- II. The System operates at all levels of the State through intersectoral actions of public interest developed by public and private sector entities.

ARTICLE 160. (PRINCIPLES).

- I. The Plurinational System for the Comprehensive Protection of Children and Adolescents (SIPPROINA) shall be organized and governed by the principles of legality, comprehensiveness, democratic participation, gender equality, efficiency and effectiveness, decentralization, and interculturalism.
- II. The actions of the members of the System, in addition to being governed by the principles set forth in the previous paragraph of this Article, shall be subject to the principles of coordination, cooperation, transparency, good faith, and gratuity.

ARTICLE 161. (MEMBERS OF THE SYSTEM). The Plurinational System for the Comprehensive Protection of Children and Adolescents (SIPPROINA) is composed of:

- a) The Ministry of Justice;
- b) The Sectoral and Intersectoral Coordination Council for issues relating to children and adolescents;
- c) The Congress on the Rights of Children and Adolescents;
- d) The Departmental Technical Body for Social Policy;
- e) The Ombudsmen for Children and Adolescents;
- f) The Committees for Children and Adolescents;
- g) Social organizations and civil society, through the mechanisms established by the Law on Participation and Social Control;
- h) Authorities of indigenous and aboriginal farming nations and peoples;
- i) Public courts dealing with children and adolescents;
- j) The Plurinational Constitutional Court;
- k) The Ministry of Labor, Employment, and Social Security;
- l) The Ministry of Development Planning; and
- m) Other instances related to the protection of children and adolescents.

ARTICLE 162. (MEANS OF PROTECTION).

- I.** To achieve its objectives, the Plurinational System for the Comprehensive Protection of Children and Adolescents (SIPPROINA) has the following means at its disposal:
 - a)** Public policies;
 - b)** Plurinational Plan for Children and Adolescents;
 - c)** Departmental and Municipal Plans for Children and Adolescents;
 - d)** Plurinational Program for Children and Adolescents, Departmental and Municipal Program for Children and Adolescents, and other protection, prevention, and care programs;
 - e)** Protection measures;
 - f)** Administrative bodies at the central, departmental, municipal, and indigenous peasant levels;
 - g)** Judicial protection bodies;
 - h)** Judicial proceedings;
 - i)** Defense actions provided for in the Political Constitution of the State; and
 - j)** Sanctions.
- II.** The State and society have a shared obligation to guarantee the formulation, implementation, and monitoring of these measures, and it is the right of children and adolescents to demand their enforcement.

CHAPTER II POLICIES, PROGRAMS, MEASURES, CARE ENTITIES, AND SANCTIONS

SECTION I POLICIES

ARTICLE 163. (SCOPE, RESPONSIBILITIES, AND IMPLEMENTATION).

- I.** The Comprehensive Protection Policies for Children and Adolescents constitute a systematic set of public guidelines and directives whose purpose is to guarantee the full enjoyment of the rights of children and adolescents.
- II.** The family, the State, and society are responsible for the development, approval, and monitoring of policies, in accordance with the provisions of this Code.

Society's participation in policy formulation shall give priority to consulting children and adolescents and shall take into account intercultural and intergenerational aspects.

- III. Comprehensive Protection Policies shall be implemented through the formulation, execution, evaluation, and monitoring of plans, programs, and projects.

ARTICLE 164. (TYPES OF POLICIES).

- I. The following are public policies on the Comprehensive Protection of Children and Adolescents:
- a) **Prevention**, which includes policies and programs for prevention and promotion of rights in situations that could threaten the integrity and dignity of children and adolescents, and their rights recognized in this Code;
 - b) **Assistance**, which includes policies necessary to protect children and adolescents who are in situations of vulnerability or social exclusion due to extreme poverty, natural disasters, or other conditions that impede the development of their capacities;
 - c) **Special Protection**, which includes actions aimed at preventing or restoring the rights that are threatened or violated of children and adolescents who are victims of abuse, maltreatment, exploitation, or who are living on the streets; pregnant girls and adolescents, workers, consumers of alcohol or psychotropic substances or narcotics, those suffering from diseases such as HIV/AIDS, and other situations requiring special protection; and
 - d) **Basic social services**, which refer to policies that create minimum, universal conditions that guarantee the development of the entire population, particularly girls, boys, and adolescents, in relation to health, education, housing, security, and employment; with special attention to children in early childhood, including measures to support families in the care and development of the early years of life, given the importance of these years in human development.
- II. Policies for children and adolescents must be harmonized with other State policies and general plans and will be derived from the Plurinational Plan for Children and Adolescents, which will be drawn up every five years.
- III. The policies established in this Code shall be implemented gradually and mandatorily at all levels of government, in accordance with their respective jurisdictions.

ARTICLE 165. (PURPOSES OF PROTECTION POLICIES). The priority objectives pursued by the Comprehensive Protection Policies for Children and Adolescents are:

- a) Strengthening the fundamental role of the family;
- b) Participation of society in the comprehensive protection of children and adolescents;
- c) Defining public actions that guarantee the full enjoyment of the rights of children and adolescents;
- d) Implementing strategies that guarantee the effective and efficient coordination of state decisions and public management, at all levels, with regard to the protection of the rights of children and adolescents;
- e) Guarantee of selection, training, and evaluation processes for public servants responsible for the care, prevention, and protection of children and adolescents at all levels of government, as part of the Protection System, ensuring their suitability to guarantee the effective exercise of the rights of children and adolescents.
- f) Allocation of human, material, and financial resources for the comprehensive protection of children and adolescents;
- g) Promotion, dissemination, and education on the rights of children and adolescents, generating a culture of respect and awareness in society; and
- h) Others that ensure the comprehensive protection of children and adolescents.

SECTION II PROTECTION PROGRAMS

ARTICLE 166. (PURPOSE AND PRIORITY).

- I. Comprehensive protection programs for children and adolescents are designed to provide assistance, prevention, care, comprehensive support, training, family and social integration, cultural promotion, strengthening of emotional relationships, communication, promotion and defense of rights, and other values that benefit children and adolescents. They will also carry out programs for the specific enforcement of protection measures ordered by the competent authority.
- II. The content of the programs and actions carried out by public and private implementing entities shall respect the rights of children and adolescents, guaranteeing their best interests, providing them with the care and attention required according to their developmental process, paying special attention to measures aimed at the early years of life, subject to the Political Constitution of the State, the provisions of this Code, and international treaties and conventions on children and adolescents.

- III. The Plurinational System of Comprehensive Protection will implement the Plurinational Plan for Children and Adolescents, the Departmental Program for Children and Adolescents, and the Municipal Program for Children and Adolescents, each developing within its sphere of competence the Program of Reception Centers and Shelters, the Family Guidance Program, and Comprehensive Care and Attention Programs for Children in Early Childhood, among others.
- IV. In consideration of Paragraph III of this Article, and within the scope of their powers, the different levels of the State shall give priority to:
 - a) Programs for the care of children and adolescents living on the streets. For the purposes of this Law, children or adolescents living on the streets are understood to be those who have been totally or partially separated from their families, adopting the street as their habitat, home, and place to sleep, or as a place for socialization, the structuring of social relationships, and survival.
 - b) Specific programs to prevent adolescents from joining gangs. Gangs are defined as groups of adolescents whose aims or objectives are illegal activities that put their lives, those of their peers, or those of third parties at risk; and
 - c) Comprehensive early childhood care programs that provide support to families and entities legally responsible for children and adolescents in the areas of comprehensive care, education, nutrition, and protection, given the importance of these early years of life.

ARTICLE 167. (ACCREDITATION AND SUPERVISION).

- I. Programs must be accredited and supervised by the competent authority at the state level where they are implemented.
- II. The technical content, implementation methodology, and human and material resources of the programs shall be established within the limits of this Code by means of regulations.

SECTION III PROTECTION MEASURES

ARTICLE 168. (SCOPE AND COMPETENT AUTHORITY).

- I. Protective measures are mandatory orders issued by the Public Prosecutor for Children and Adolescents, who is the competent authority in cases of threats to or violations of the rights of children or adolescents.
- II. The threat or violation referred to in the previous paragraph of this Article may arise from an act or omission by the State, through its public servants; by members of society, by the child's mother, father, guardian, or tutor; or by the child or adolescent themselves.

ARTICLE 169. (TYPES OF PROTECTIVE MEASURES).

- I.** The Public Prosecutor for Children and Adolescents, through the common procedure established in this Code, may impose the following protective measures:
 - a)** To the mother, father, guardian, or tutor:
 - 1.** Warning and reprimand;
 - 2.** Mandatory enrollment in government or non-governmental family support programs;
 - 3.** Inclusion in government or non-government programs for the treatment of alcoholics or drug addicts;
 - 4.** Obligation to receive psychological or psychiatric treatment;
 - 5.** Obligation to attend counseling courses or programs;
 - 6.** Obligation to enroll and monitor the school attendance and performance of the daughter, son, ward, or ward;
 - 7.** Obligation to provide the child or adolescent with the appropriate specialized treatment; and
 - 8.** Separation of the mother or father who abuses the child or adolescent from their environment.
 - b)** To third parties:
 - 1.** Warning and reprimand;
 - 2.** Order for immediate cessation of the situation that threatens or violates the right;
 - 3.** Order for the return of the child or adolescent to the home from which they were removed or taken away by force;
 - 4.** Temporary prohibition or restriction of the presence of anyone who threatens or violates the rights of children and adolescents in the home, places frequented, educational community, or workplace, in the case of adolescents; and
 - 5.** Prohibition or restriction of the accused's movement in places frequented by the child or adolescent.
 - c)** For children and adolescents:

1. Inclusion in one or more programs referred to in this Code;
 2. Order for psychological or psychiatric treatment, as well as treatment aimed at preventing or curing dependence on alcohol or other psychotropic substances or narcotics;
 3. Order to remain in school;
 4. Separation of the adolescent from work;
 5. Placement with a foster family; and
 6. Placement in a foster care facility.
- II. Other protective measures may be applied if the nature of the situation warrants the preservation or restoration of the rights affected, within the limits of the authority of the authority imposing them.
- III. Failure to comply with protective measures by the mother, father, guardian, or third parties constitutes an offense and will be punished in accordance with the provisions of this Code.

ARTICLE 170. (CRITERIA FOR DETERMINING PROTECTIVE MEASURES

). The judicial authority in matters of children and adolescents shall consider the following criteria when determining protective measures:

- a) Protective measures may be imposed individually, simultaneously, or successively.
- b) In applying the measures, preference shall be given to those that are educational and those that foster ties with the family and community to which the child or adolescent belongs;
- c) The imposition of one or more protective measures does not exclude the possibility of applying, in the same case and concurrently, the sanctions provided for in this Code and other regulations in force, when the violation of the rights of children and adolescents involves a breach of civil, administrative, or criminal regulations; and
- d) Protective measures, except for adoption, shall be reviewed every six (6) months from the date they were imposed and may be replaced, modified, or revoked when the circumstances that caused them change or cease to exist.

SECTION IV PROTECTION SYSTEM CARE ENTITIES

ARTICLE 171. (NATURE, AUTHORIZATION, AND CONTROL).

- I.** The care entities of the protection system are institutions of public interest that execute and enforce the protection measures ordered by judicial authority. They may be constituted through any form of legal, public, private, or mixed organization or association.
- II.** Public entities, at the appropriate level of government, shall implement the Plurinational Plan, the Departmental Plan, and the Municipal Plan.
- III.** Private care entities must obtain authorization and registration to operate from the competent authority.
- IV.** The body that authorizes the operation of private entities shall monitor the implementation of programs and compliance with protective measures for children and adolescents.

ARTICLE 172. (CARE ENTITIES). The following are care entities:

- 1.** Daycare centers and comprehensive children's centers;
- 2.** Social and family guidance and support services;
- 3.** Legal and psychosocial care services;
- 4.** Foster family integration services;
- 5.** Shelters;
- 6.** Counseling and treatment centers for children and adolescents addicted to alcohol and drugs; and
- 7.** Others provided for in special programs.

ARTICLE 173. (OBLIGATIONS OF ENTITIES FOR EFFECTIVE ATTENTION). Care providers must adhere to the rules of this Code, respecting the principle of the best interests of the child or adolescent, and fulfill the following obligations in relation to them:

- 1.** Preserve family ties;
- 2.** Ensure that siblings are not separated;

3. Respect the identity of the child or adolescent and ensure an appropriate environment;
4. Conduct a personal and social study of each case;
5. Provide individualized care;
6. Guarantee food, clothing, and housing, as well as the necessary items for hygiene and personal care;
7. Guarantee medical, psychological, psychiatric, dental, or pharmaceutical care;
8. Prevent revictimization;
9. Guarantee their access to education;
10. Ensure participation in cultural and recreational activities;
11. Respect the ownership of their personal belongings and the corresponding registration of their possessions;
12. Guarantee the right to be informed about events occurring in the community, department, country, and world, and to participate in the life of the local community;
13. Gradually prepare them for their separation from the institution;
14. Follow up on children and adolescents who leave the entity; and
15. Other measures necessary for effective care.

ARTICLE 174. (SHELTERS).

- I. Shelter centers shall receive, by court order, children and adolescents only when there is no other means for the immediate protection of their violated or threatened rights and guarantees.
- II. Shelters will receive, on an exceptional and emergency basis, children and adolescents who have not been placed under protective measures. In this case, the shelter is required to notify the nearest judge specializing in children and adolescents within twenty-four (24) hours.

- III. The judicial authority shall issue a determination on the situation of the child or adolescent within a maximum period of thirty (30) days from the time the fact is known.

ARTICLE 175. (OBLIGATION TO REPORT).

- I. All persons have the obligation to report to the Office of the Ombudsman for Children and Adolescents any cases of threats or violations of the rights and guarantees of children and adolescents who are institutionalized in a care facility.
- II. Public servants have a duty to report such threats or violations, and failure to report them constitutes an offense that will be punished in accordance with the provisions of this Code.

SECTION V PENALTIES

ARTICLE 176. (SANCTIONS).

- I. The Public Prosecutor for Children and Adolescents may, in accordance with common procedure, impose the following sanctions for violations provided for in this Code:
 - a) Community service;
 - b) Fines, for individuals, of one (1) to one hundred (100) minimum wages, and for legal entities, of one hundred (100) to two hundred (200) minimum wages;
 - c) Arrest for eight (8) to twenty-four (24) hours; and
 - d) Temporary suspension from office, function, profession, or trade.
- II. The fines imposed shall be deposited in a specific account of the General Treasury of the Nation (TGN) for the implementation of the Comprehensive Protection System for Children and Adolescents (SIPPROINA). Its administration shall be established by regulation.
- III. Penalties shall be imposed according to the severity and duration of the offense, the damage caused, the economic capacity of the offender, and recidivism, without prejudice to any criminal and administrative liability that may arise from the case.

SECTION VI DEFENSIVE ACTIONS TAKEN IN RESPONSE TO VIOLATIONS OF THE RIGHTS OF CHILDREN AND ADOLESCENTS

ARTICLE 177. (DEFENSIVE ACTIONS). In the event of a threat or violation of the individual, collective, or diffuse rights of children or adolescents, whether by action or omission, committed

by individuals or public or private institutions, the competent authority may be called upon to take the appropriate defensive actions in order to put an end to the threat or restore the right, in accordance with the provisions of the Political Constitution of the State and the Constitutional Procedural Code.

CHAPTER III

DISTRIBUTION OF RESPONSIBILITIES FOR THE MANAGEMENT OF THE PROTECTION SYSTEM FOR CHILDREN AND ADOLESCENTS

SECTION I

CENTRAL LEVEL

ARTICLE 178. (CENTRAL LEVEL). The central level of the State, through the competent ministries, shall have the following responsibilities:

- a)** To act as the Central Authority in international agreements and treaties related to children and adolescents;
- b)** Representing and directing international relations in this area, within the framework of foreign policy, and coordinating international cooperation actions;
- c)** Align and harmonize international cooperation efforts related to children and adolescents; and
- d)** Register private institutions providing care for children and adolescents.

ARTICLE 179. (MINISTRY OF JUSTICE). The powers of the Ministry of Justice as the governing body of the Plurinational System for the Comprehensive Protection of Children and Adolescents (SIPPROINA) are as follows:

- a)** To develop the basic policy proposal for children and adolescents, and the Plurinational Plan for Children and Adolescents;
- b)** To implement the Plurinational Plan for Children and Adolescents, which will develop the Prevention and Protection Program for Children and Adolescents under fourteen (14) years of age in employment, the Comprehensive Program to Combat Sexual Violence against Children and Adolescents, and others;
- c)** Formulate general guidelines for the operation of the Protection System;
- d)** Convene and coordinate the formation and operation of the Sectoral and Intersectoral Coordination Council for issues related to children and adolescents;
- e)** Convene and coordinate the Five-Year Congress on the Rights of Children and Adolescents;

- f)** Coordinate the different levels of government and other members of the Protection System to fulfill the duties conferred upon them by this Code;
- g)** Review, evaluate, and provide opinions on the Plurinational Intersectoral Plans developed by the competent bodies;
- h)** Monitor and control plurinational public policies and actions relating to children and adolescents;
- i)** Report to the competent bodies any omission or irregular provision of public services under the jurisdiction of the central level, insofar as they threaten or violate the rights and guarantees of children and adolescents;
- j)** Issue opinions on the percentage of the national budget that should be allocated to implementing basic national and welfare policies, in order to ensure the exercise of the rights and guarantees of children and adolescents;
- k)** Review, analyze, and evaluate reports on the situation of children and adolescents that are presented at the national and international levels;
- l)** Promote awareness and dissemination of the rights, guarantees, and duties of children and adolescents;
- m)** Promote and support the creation and operation of agencies and services for the protection of children and adolescents;
- n)** Create, administer, and continuously update, in coordination with the National Institute of Statistics (INE), the Information System on Children and Adolescents (SINNA), which will record and contain specialized information on the rights of children and adolescents, as well as data on employment or work performed on one's own account or for others, in accordance with specific regulations, suitable for the adoption and monitoring of public policies;
- o)** Register national programs for the prevention, care, and protection of children and adolescents;
- p)** Develop actions to promote, protect, and restore the rights of working adolescents; and
- q)** Supervise private institutions providing care for children and adolescents.

ARTICLE 180. (SECTORAL AND INTERSECTORAL COORDINATION COUNCIL FOR ISSUES RELATING TO CHILDREN AND ADOLESCENTS).

- I. The governing body shall establish the Sectoral and Intersectoral Coordination Council for issues related to children and adolescents, with representatives from the central, departmental, and municipal levels, which shall make decisions that are binding on all public and private institutions.
- II. It may form sub-councils for sectoral and intersectoral coordination according to needs.
- III. The minimum functions of the Sectoral and Intersectoral Coordination Council for Issues Affecting Children and Adolescents are:
 - a) Coordinate the design, implementation, and monitoring of policies, plans, strategies, programs, projects, and regulations for children and adolescents; and
 - b) Promote agreements for the development and implementation of policies, plans, programs, strategies, projects, and regulations for children and adolescents.
- IV. Its operation and membership shall be subject to specific regulations to be approved by the Ministry of Justice.

ARTICLE 181. (FIVE-YEAR CONGRESS ON THE RIGHTS OF CHILDREN AND ADOLESCENTS).

- I. The Five-Year Congress on the Rights of Children and Adolescents is a deliberative and supervisory body, formed through the broadest possible call for participation at the national level. It will be convened by the Ministry of Justice, and participants in the Congress will include representatives of central institutions of the Plurinational State; representatives of autonomous departmental and municipal governments; authorities of indigenous and aboriginal farming nations and peoples; representatives of the Committees on the Rights of Children and Adolescents; and representatives of civil society involved in the care, prevention, and protection of children and adolescents and in guaranteeing their rights.
- II. The Rights Congress shall meet once every five (5) years to approve the Plurinational Plan for Children and Adolescents and to evaluate compliance with the Plan for the previous period. Its decisions shall be binding.

SECTION II DEPARTMENTAL LEVEL

ARTICLE 182. (POWERS OF THE GOVERNMENTS GOVERNMENTS

DEPARTMENTAL). The following are the powers of the Autonomous Departmental Governments:

- a) Exercising departmental leadership on issues related to children and adolescents;
- b) Establish, implement, and institutionalize departmental bodies for social management, protection, and care for children and adolescents, taking into account the principle of absolute priority;
- c) Design and implement the Departmental Plan for Children and Adolescents, within the framework of national policies;
- d) Ensure the quality, professionalism, and suitability, as well as the ongoing technical training of public servants who provide services to children and adolescents;
- e) Comply with administrative guidelines and procedures on the implementation of measures relating to international restitution, extradition, and protection of children and adolescents who are victims of irregular transfers, trafficking, and smuggling, as appropriate;
- f) Generate and submit the necessary information to the National Information System on Children and Adolescents (SINNA);
- g) Contribute to the formulation of national policy by submitting the information required by the central government;
- h) Create a monitoring body for the functioning of departmental public services in the area of the rights of children and adolescents within its jurisdiction;
- i) Promote the participation of society in activities to disseminate, promote, develop, and address the rights and guarantees of children and adolescents, encouraging the creation of private initiative programs in accordance with the needs of the department;
- j) Support the formation and operation of the Departmental Committee for Children and Adolescents;
- k) Prepare an annual report on the situation of children and adolescents in its jurisdiction;

- l) Accredit and supervise private institutions that provide care for children and adolescents at the departmental level; and
- m) Take the necessary actions to ensure the protection and care of children and adolescents whose mothers, fathers, or both parents are deprived of liberty, in shelters or hostels, under the responsibility of the Departmental Technical Social Policy Authority, while they are incarcerated in prisons.

ARTICLE 183. (POWERS OF THE DEPARTMENTAL TECHNICAL BODY FOR SOCIAL POLICY).

The Departmental Technical Bodies for Social Policy shall report to the provincial governments and shall have the following powers:

- a) Provide guidance and social, family, and educational support services;
- b) Provide legal and psychosocial care services;
- c) Develop temporary foster care programs;
- d) Implement foster family programs, in the form of guardianship, custody, and national adoption;
- e) Exhaust all means to provide the child or adolescent with a substitute family within the national territory;
- f) Comply with the administrative guidelines and procedures on adoptions issued by the Central Authority of the Plurinational State, in accordance with the provisions of this Code;
- g) Create programs to promote domestic adoptions;
- h) Provide specialized technical services for the preparation and selection of prospective adoptive parents, suitability assessments, and post-adoption follow-up for domestic and international adoptions, issuing the corresponding documentation;
- i) Maintain a single registry of applicants for the adoption of children and adolescents who are eligible for adoption;
- j) Supervise private institutions caring for children and adolescents within its jurisdiction, as well as the programs they implement;
- k) Design, implement, and administer daycare centers, comprehensive children's centers, guidance and treatment centers for street children and adolescents, and guidance and treatment centers for children and adolescents who are alcohol and drug dependent or victims of trafficking and smuggling;

- l) Design and implement Comprehensive Child Development programs for children up to five (5) years of age;
- m) Design and implement outreach programs for street children and adolescents to restore their rights; and
- n) Others that benefit children and adolescents, within the scope of their powers.

SECTION III MUNICIPAL LEVEL

ARTICLE 184. (POWERS OF MUNICIPAL AUTONOMOUS GOVERNMENTS).

The powers of the Autonomous Municipal Governments are as follows:

- a) Exercise municipal leadership to guarantee the rights of children and adolescents;
- b) Design and implement the Municipal Plan for Children and Adolescents, within the framework of national policies;
- c) Ensure the quality, professionalism, and suitability of public servants who provide services to children and adolescents, as well as their ongoing technical training;
- d) Institutionalize and provide human and material resources to the Offices of the Ombudsman for Children and Adolescents, and create them in places where they do not exist;
- e) Monitor and control the Municipal Policy and Plan;
- f) Contribute to the formulation of national policy by submitting information requested by the central government;
- g) Create a body to monitor the functioning of municipal services in the area of child and adolescent protection;
- h) Design and implement municipal programs and services for the prevention, protection, and care of children and adolescents, in order to comply with social protection measures, in accordance with the provisions of this Code;
- i) Promote the participation of society through activities to disseminate, promote, develop, and care for the rights and guarantees of children and adolescents, encouraging the creation of private initiative programs in accordance with the needs of the municipality;
- j) Promote awareness and dissemination of the rights and guarantees of children and adolescents within its jurisdiction;

- k) Provide information to the specialized statistical registry on children and adolescents, in accordance with regulations;
- l) Support the formation and operation of the municipal committee for children and adolescents;
- m) Prepare the annual report on the situation of children and adolescents in its jurisdiction, based on national indicators, and send it to the central level;
- n) Promote community participation in the rights of children and adolescents; and
- o) Others specific to the exercise of their powers.

ARTICLE 185. (OMBUDSMAN'S OFFICE FOR CHILDREN AND ADOLESCENTS). The Ombudsman's Office for

Childhood and Adolescence is the municipal government agency that provides free psycho-socio-legal defense services to guarantee the rights of children and adolescents.

ARTICLE 186. (COMPOSITION). The Office of the Ombudsman for Children and Adolescents is made up of interdisciplinary teams of lawyers, social workers, psychologists, and other professionals related to the subject matter, subject to a selection process within the framework of current regulations.

ARTICLE 187. (FUNCTIONING). The Office of the Ombudsman for Children and Adolescents shall organize and establish its functioning as a single and indivisible service in accordance with the characteristics of the municipality, taking into account at least population density, demands, needs, and capacities. Autonomous municipal governments shall guarantee the service of the Office of the Ombudsman for Children and Adolescents within their jurisdiction.

ARTICLE 188. (POWERS). The Office of the Ombudsman for Children and Adolescents shall have the following powers:

- a) To file lawsuits, requests, complaints, and appeals with the competent authorities for acts of violence, infractions, or crimes committed against children or adolescents; no express mandate shall be required for this purpose;
- b) Appear ex officio and intervene in defense of the child or adolescent before administrative or judicial authorities, for any cause or reason and at any stage of the proceedings, without the need for an express mandate;
- c) Refer cases that are not within its jurisdiction or are no longer within its jurisdiction to the judicial authority;

- d)** Report to the competent authorities cases in which priority is not given to the care of the child or adolescent;
- e)** To initiate ex officio defense actions and other legal and administrative actions necessary for the restoration of the rights of the child or adolescent;
- f)** Request information on the exercise and respect of the rights of children and adolescents from any administrative or judicial body;
- g)** Keep a record of the length of time children and adolescents remain in shelters;
- h)** Intervene to ensure that the harm caused to children or adolescents is repaired;
- i)** File lawsuits and intervene in proceedings for suspension or termination of maternal or paternal authority, or denial of filiation;
- j)** Identify children or adolescents who are eligible for adoption and inform the Departmental Technical Social Policy Authority;
- k)** Intervene when the rights of the child or adolescent are in conflict with those of their father, mother, guardian, or tutor;
- l)** Promote voluntary acknowledgments of filiation or provide guidance to make the presumption of filiation effective;
- m)** Promote family assistance agreements for their approval, ex officio by the competent authority;
- n)** Exhaust all means of investigation to identify the parents or relatives, and seek to establish filiation with them in cases where the child or adolescent is unprotected, in accordance with municipal regulations;
- o)** Intervene and request the national or international return of children or adolescents before the Central Authority or the Public Court for Children and Adolescents, as appropriate;
- p)** In coordination with departmental and regional labor authorities, protect, defend, and restore the rights of working adolescents;
- q)** Request the imposition of municipal sanctions on public establishments, bars, entertainment centers, public shows, workplaces, and others that violate the rights of children and adolescents;

- r)** Require other municipal autonomous government bodies to comply with the obligations established in this Code;
- s)** Create, implement, and update the registry of children and adolescents in employment or work, and submit it to the Ministry of Labor, Employment, and Social Security;
- t)** Provide temporary guidance, support, and accompaniment to the child or adolescent;
- u)** Refer children and adolescents to family support programs;
- v)** Refer them to specialized programs for the care of children or adolescents living on the streets;
- w)** Refer the child or adolescent to medical, psychological, or psychiatric care in a hospital or outpatient setting, as appropriate;
- x)** Refer them to assistance, counseling, or treatment programs for cases of alcohol or other drug dependence;
- y)** Provide temporary shelter for children and adolescents, in accordance with the provisions of this Code;
- z)** Generate and submit to the Departmental Technical Social Policy Authority the information necessary for the national information system;
- aa)** Make an inventory of movable and immovable property belonging to the child or adolescent, where appropriate;
- bb)** Issue summonses in the exercise of their powers;
- cc)** Verify reports of violence with powers to enter public places;
- dd)** Take action to recover personal belongings and school supplies, where applicable;
- ee)** Verify the relevant legal documentation at terminals in the case of domestic travel;
- ff)** Exceptionally authorize self-employment by children or adolescents aged ten (10) to fourteen (14) and employment by adolescents aged twelve (12) to fourteen (14); and
- gg)** Mandatorily register authorizations for self-employment by children or adolescents aged ten (10) to fourteen (14) and employment by adolescents aged twelve (12) to fourteen (14) years of age.

SECTION IV INDIGENOUS, NATIVE, AND PEASANT LEVEL

ARTICLE 189. (RESPONSIBILITIES OF INDIGENOUS ORIGINARY

It is the responsibility of the governments of the Indigenous Native Peasant Autonomies to exercise the responsibilities established for the Autonomous Municipal Governments in their respective jurisdictions.

SECTION V COMMITTEES FOR CHILDREN AND ADOLESCENTS

ARTICLE 190. (CREATION). Committees for Children and Adolescents are hereby created as forums for social participation at the central, departmental, municipal, and indigenous and aboriginal peasant levels. Autonomous departmental and municipal governments and indigenous and aboriginal peasant autonomies shall promote and assist in the formation of such committees by providing technical advice and financial resources.

ARTICLE 191. (FORMATION AND FUNCTIONING).

- I. The Committees for Children and Adolescents shall be composed of representatives of student organizations from public, private, and charter educational institutions who are between ten (10) and eighteen (18) years of age, with at least fifty percent (50%) of the members being girls and female adolescents. They may also be composed of representatives from other organizations for children and adolescents.
- II. The Committees shall establish their structure and functional organization, in accordance with regulations, for the exercise of participatory democracy.

ARTICLE 192. (POWERS).

- I. The Children and Adolescents Committees shall have the following powers:
 - a) To participate in the development of policies and plans relating to children and adolescents that are drawn up in the Department or Municipality; and
 - b) To follow up and monitor compliance with policies, plans, programs, projects, actions, and regulations aimed at children and adolescents in the Department and Municipality;
- II. The Plurinational Committee for Children and Adolescents, made up of departmental and municipal committees, shall have the following powers:
 - a) Support the functioning and strengthening of the Departmental and Municipal Committees for Children and Adolescents; and
 - b) Participate in the Congress on the Rights of Children and Adolescents;

BOOK II JURISDICTIONAL PROTECTION

TITLE I LEGAL PROTECTION

CHAPTER I GENERAL PROVISIONS

ARTICLE 193. (PROCEDURAL PRINCIPLES). In addition to the principles established in Article 30 of the Judiciary Law, the following principles shall govern the special proceedings provided for in this Code:

- a) Specialization.** Justice in matters involving children and adolescents shall be administered with the intervention of specialized interdisciplinary personnel.
- b) Informality.** The procedure must be flexible, avoiding any ritualism or formality in access to justice.
- c) Presumption of truth.** To ensure the discovery of the truth, all authorities in the judicial system must consider the testimony of a child or adolescent to be true, unless it is objectively disproved;
- d) Confidentiality.** Throughout the process, the necessary confidentiality shall be maintained to guarantee the dignity and integrity of the child or adolescent.
- e) Concentration.** The procedural activity shall be carried out in as few acts as possible to avoid dispersion.
- f) Proportionality.** The application of any judicial measure to a child or adolescent must be related to their age and stage of development, taking into account any circumstances that may violate their rights;
- g) Transparency.** Procedural acts are characterized by providing the parties with useful and reliable information, facilitating the publicity of such acts so that the jurisdiction fulfills its purpose of protecting rights and interests that deserve legal protection; and
- h) Ruling.** The judicial authority has the obligation to rule on the petitions presented by the parties at each stage of the proceedings.

ARTICLE 194. (REPRESENTATION).

- I.** In legal proceedings, the child or adolescent shall be legally represented by their mother, father, guardian, or tutor, as appropriate.

- II. When their interests conflict with those of their mother, father, guardian, or tutor, or when they lack legal representation, even temporarily, the judge or public prosecutor for children and adolescents shall appoint a special guardian, who must be a representative of the Office of the Ombudsman for Children and Adolescents.
- III. Negligence on the part of the special guardian in the exercise of representation or abandonment of the same without just cause shall warrant the imposition of a financial penalty of not less than three (3) national minimum wages, to be determined by the judge in the case.

ARTICLE 195. (ACTIONS OF CHILDREN AND ADOLESCENTS). Children or adolescent is guaranteed the right to participate in any proceeding to which they are a party and shall be heard by the judicial authority, who shall always take into account their age and the characteristics of their stage of development.

ARTICLE 196. (ACCESS TO PROCEEDINGS). Access to proceedings is permitted only to the parties. Any judicial officer who allows access to third parties without authorization shall be subject to disciplinary proceedings.

ARTICLE 197. (CALCULATION OF TIME LIMITS). Unless otherwise provided, the procedural time limits established in this Code shall be calculated in business days.

SECTION I JURISDICTION AND COMPETENCE

ARTICLE 198. (JURISDICTION AND COMPETENCE).

- I. The Public Judge for Children and Adolescents shall exercise jurisdiction to resolve the actions established by this Code. He or she shall have competence in the territorial area to which he or she was appointed.
- II. The Mixed Public Judge shall have jurisdiction to resolve these proceedings in places where there are no Public Courts for Children and Adolescents. In this case, he or she shall have the support of the interdisciplinary technical team of the Departmental Technical Social Policy Authority.
- III. Substitutions in cases of absence or any impediment of the Public Judge for Children and Adolescents shall be subject to the provisions of the Law on the Judiciary.

ARTICLE 199. (RULES OF JURISDICTION).

- I. The territorial jurisdiction of the Public Prosecutor for Children and Adolescents shall be determined in accordance with the following order:

- a) The place where the violation of the rights of the child or adolescent occurred; or the place where the adolescent over fourteen (14) years of age committed a crime;
 - b) The domicile of the child or adolescent;
 - c) The temporary residence where the child or adolescent is located; and
 - d) The domicile of the father or mother, guardian, or representative thereof.
- II. When two (2) or more judges are equally competent, the first judge to hear the case shall have jurisdiction.

SECTION II PUBLIC COURTS FOR CHILDREN AND ADOLESCENTS

ARTICLE 200. (REQUIREMENTS). To be a Public Judge for Children and Adolescents, in addition to the requirements established by Article 61 of the Law on the Judiciary, the following is required:

- a) No history of failure to fulfill family obligations, domestic violence, or violence against children or adolescents;
- b) Have at least two (2) years of experience and specialized training in family, gender, generational, and/or children's and adolescents' law; and
- c) Have experience and/or training in specialized criminal justice for adolescents.

ARTICLE 201. (JUDICIAL SUPPORT STAFF). Public courts dealing with matters relating to children and adolescents shall have a clerk, an assistant, a court officer, and an interdisciplinary team of professionals to provide support and advice.

ARTICLE 202. (DUTIES OF THE CLERK). In addition to the provided for in Article 94 of the Law on the Judiciary, the clerk shall have the following duties:

- a) Receive and register oral complaints filed with the Court;
- b) Monitor the deadline granted to the interdisciplinary professional team and the Departmental Technical Social Policy Body to submit reports to the Judge or Public Prosecutor for Children and Adolescents upon its expiration;
- c) Record compliance with the measures and sanctions imposed on parents, guardians, custodians, and third parties;

- d)** Keep a record of national and international adoptions processed in the Court;
- e)** Monitor the deadline granted for post-adoption reports to be submitted to the judge;
- f)** Keep a record of the duration of socio-educational measures and inform the judge or public prosecutor for children and adolescents of compliance with them;
- g)** Safeguard seized evidence; and
- h)** Other duties assigned by the judge.

ARTICLE 203. (INTERDISCIPLINARY PROFESSIONAL TEAM).

- I.** The interdisciplinary professional team is made up of professionals in social work and psychology.
- II.** Each team is autonomous with respect to similar teams in other courts, central government entities, or autonomous regional entities.

ARTICLE 204. (REQUIREMENTS OF THE INTERDISCIPLINARY PROFESSIONAL TEAM).

To be eligible for positions on the interdisciplinary professional team, the following requirements must be met:

- a)** Hold a nationally recognized degree;
- b)** Have at least two (2) years of specialized experience in the rights of children and adolescents or human rights, forensic psychology, and human development;
- c)** Have practiced their profession with honesty and ethics for at least four (4) years; and
- d)** Have no history of failure to fulfill family obligations, domestic violence, or violence against children or adolescents.

ARTICLE 205. (DEPENDENCY AND FUNCTIONS). The Interdisciplinary Professional Team reports directly to the Public Judge for Children and Adolescents and, under this authority, has the following functions:

- a)** Provide technical advice and guidance as required;
- b)** To carry out technical evaluations of reports and background information submitted to the court within its area of expertise;

- c) Prepare technical assessments and investigations ordered by the Judicial Authority;
- d) Follow up on social protection measures, measures imposed on parents, guardians, tutors, or third parties, administrative measures, and judicial orders;
- e) Submit duly substantiated technical reports with suggestions and recommendations; and
- f) Others ordered by the judicial authority that are inherent to their exclusive, clear, and precise functions.

ARTICLE 206. (WITHDRAWAL). Withdrawal from proceedings against adolescents shall result in the complaint or lawsuit being considered as not having been filed, except in cases of violence.

CHAPTER II JURISDICTION OF PUBLIC COURTS IN MATTERS OF CHILDREN AND ADOLESCENTS

ARTICLE 207. (JURISDICTION). In addition to the provisions of the Law on the Judiciary, public courts in matters of children and adolescents shall have the following jurisdiction:

- a) To apply precautionary, conditional, protective, and punitive measures;
- b) To hear and decide on legal filiation within the framework of Article 111 of this Code;
- c) Hear and resolve requests for the restoration of the authority of the mother, father, or both;
- d) Hear, resolve, and decide on violations of labor and social protection regulations for adolescents established in this Code;
- e) Resolve the return of children and adolescents at the national and international levels in accordance with the Inter-American Convention on the International Return of Minors;
- f) Hear and resolve ordinary guardianship and custody proceedings;
- g) Hear and resolve national and international adoption proceedings; and
- h) Others as authorized by this Code and current regulations.

ARTICLE 208. (ABANDONMENT OF PROCEEDINGS). The abandonment of proceedings affecting a child or adolescent shall not result in their dismissal, but shall continue until their conclusion, at the initiative of the Public Prosecutor for Children and Adolescents or the Office of the Ombudsman for Children and Adolescents.

CHAPTER III COMMON PROCEDURE

ARTICLE 209. (LAWSUIT).

I. The complaint shall be submitted in writing, with the following content:

- a)** Addressed to the Public Prosecutor for Children and Adolescents;
- b)** Summary of the subject matter of the claim or what is being requested or claimed;
- c)** First name, last name, and address of the plaintiff;
- d)** First name, last name, and address of the defendant, where applicable;
- e)** A clear and precise statement of the facts giving rise to the lawsuit and the petition;
- f)** Alternative address, such as email, fax, or other; and
- g)** Offer of evidence, attaching any evidence in your possession and, if you do not have it at your disposal, identifying it in accordance with the provisions of this Code.

II. When the plaintiff is the Office of the Ombudsman for Children and Adolescents, it is not necessary to provide proof of express mandate, nor is it necessary for the mother, father, guardian, or tutor to do so.

III. If the defendant is a legal entity, its legal representative must be identified and the name and address of the entity must be indicated.

IV. The complaint does not need to be signed by a lawyer, and in this case, the court clerk's office shall be considered the address for service.

ARTICLE 210. (ADMISSION).

I. Once the requirements have been reviewed, the judge shall admit the claim and order the defendant to be summoned.

- II. When the complaint does not comply with the requirements of subsections b), c), d), or e) of Paragraph I of the previous Article, the judge shall order that it be supplemented within three (3) days, under penalty of considering it not filed.

ARTICLE 211. (SUMMONS WITH THE CLAIM).

- I. The summons with the complaint shall be served in person at the defendant's domicile. If the defendant cannot be found, the bailiff shall leave the summons with any family member or dependent over the age of eighteen (18) and shall sign the document. In case of refusal, a duly identified witness shall sign the document.
- II. If none of the persons mentioned in the previous paragraph can be found, the process server shall affix the summons notice to the door of the residence in the presence of a witness who shall be duly identified and shall also sign the document.

ARTICLE 212. (SUMMONS BY PUBLIC NOTICE).

- I. If the address of the defendant is unknown, or in the case of unknown or indeterminate persons, the party shall request the summons by means of public notices, after swearing an oath of ignorance. Once the request has been deferred, the public notice shall be published twice, with an interval of no less than five (5) days, in a national newspaper, or in the absence thereof, it shall be broadcast on a national or local radio or television station, in the same manner and within the same time frame, maintaining the confidentiality and protecting the identity of the child or adolescent involved, ensuring that the information contained therein does not affect their image and dignity. If the Office of the Ombudsman for Children and Adolescents is the plaintiff, it shall bear the cost of the edict.
- II. After the complaint has been admitted, notifications shall be made at the registry or at a hearing, as appropriate.

ARTICLE 213. (MODIFICATION AND EXPANSION OF THE CLAIM). The claim may be modified or expanded only until the response is filed.

ARTICLE 214. (ANSWER).

- I. The defendant must respond to the complaint within five (5) days of being summoned, with an extension of one day for every two hundred (200) kilometers of distance from the court's location. If the complaint has been modified or expanded, the deadline will be calculated from the date of the summons.
- II. The response must clearly and precisely state the facts alleged as the basis for the defense and be accompanied by or offer the evidence deemed necessary.

III. Only exceptions of lack of jurisdiction, lis pendens, res judicata, or lack of standing may be raised, with the court clerk's office being the address for service in this case.

IV. Counterclaims are not admissible.

ARTICLE 215. (EXCUSE).

I. The judge is obliged to excuse himself or herself at the first hearing when any of the following grounds are demonstrated:

- 1.** Kinship with any of the parties up to the fourth degree of consanguinity, second degree of affinity, or that derived from adoption.
- 2.** A relationship as godparent, godfather, or godchild, arising from marriage or baptism with any of the parties.
- 3.** Having a close friendship, enmity, or hatred with any of the parties, as evidenced by well-known and recent events. Under no circumstances shall the excuse of attacks or offenses against the judicial authority that has begun to hear the case be admissible.
- 4.** Being a creditor, debtor, or guarantor of any of the parties, except in the case of financial institutions.
- 5.** The existence of pending legal proceedings with any of the parties.
- 6.** The filing of a lawsuit to disqualify the judicial authority.
- 7.** Having been a lawyer, representative, witness, expert, or guardian in the proceedings to be heard.
- 8.** Having expressed an opinion on the matter in dispute and having that opinion recorded in the court record, except in conciliation proceedings.
- 9.** Being or having been a complainant or plaintiff against one of the parties, or having been reported or accused, or sued or prosecuted by any of them prior to the commencement of the litigation.

II. If excused, it shall be referred within twenty-four (24) hours to the corresponding Departmental Court for resolution, which shall be pronounced within six (6) days without further appeal.

III. When, in the opinion of the parties, the grounds for recusal indicated in Paragraph I exist, this right may be asserted in an appeal of the judgment.

ARTICLE 216. (PRECAUTIONARY MEASURES).

- I.** The judge or public prosecutor in matters of children and adolescents, at any stage of the proceedings prior to the judgment, ensuring the protection, interest, or safety of the child or adolescent, may determine, ex officio or at the request of a party, the following precautionary measures:
 - a)** Preventive annotation;
 - b)** Preventive seizure;
 - c)** Seizure;
 - d)** Restraining order;
 - e)** Prohibition on innovation and contracting;
 - f)** Order the temporary removal of the accused from the family home;
 - g)** Order the return to the home of the person who has been removed by force;
 - h)** Assign a substitute family through temporary custody, ordering the immediate return of their personal belongings or, where appropriate, temporary placement in a specialized center;
 - i)** Arrange for an inventory of movable and immovable property belonging to the child or adolescent; and
 - j)** Other measures deemed necessary.
- II.** The precautionary measures may remain in force until the sentence is enforced.

ARTICLE 217. (MEANS OF EVIDENCE).

- I.** All legally obtained evidence is valid, such as statements from the parties and witnesses, expert opinions, specialized reports, documents, judicial inspections, scientific evidence, and any rational element that serves to form the conviction of the judge.
- II.** Digital documents and signatures and documents generated by email shall also be considered legal means of evidence, under the conditions provided for by law.
- III.** The evidence must be consistent with the facts alleged in the complaint.

ARTICLE 218. (OBTAINING EVIDENCE). If the defendant or plaintiff does not have the evidence offered at their disposal, they shall identify it, indicating its content, location, file, and public office or person in whose possession it is, and the judge shall order its retrieval up to one (1) day before the trial hearing.

ARTICLE 219. (EVALUATION OF EVIDENCE).

- I. When issuing the ruling, the judicial authority shall be obliged to consider each and every piece of evidence produced, identifying which pieces helped to form their opinion and which were dismissed, giving reasons for their decision.
- II. The evidence shall be assessed as a whole, taking into account the individual nature of each piece of evidence produced in accordance with the rules of sound judgment or prudent criteria, giving priority to the best interests of children and adolescents, as well as the other principles of interpretation provided for in this Code.

ARTICLE 220. (WITNESSES).

- I. All persons who have direct knowledge of the facts may be called as witnesses, including blood relatives, dependents, relatives by marriage, or other persons over the age of sixteen (16).
- II. The child or adolescent who is the victim of the act may testify, and their testimony shall be taken in private with the assistance of family members and the court's interdisciplinary professional team. The repetition of their testimony or testimony at the hearing is prohibited.

ARTICLE 221. (MEDICAL CERTIFICATE). The medical certificate must be issued by a professional working in public or private health institutions, as well as medical-forensic certificates issued by an authorized professional.

ARTICLE 222. (PSYCHOLOGICAL REPORT). The psychological report must be issued by a specialized professional from public institutions or by specialized private professionals.

ARTICLE 223. (SOCIAL REPORT). The social report must be issued by a specialized professional from a public institution or by a specialized private professional.

ARTICLE 224. (PRESENCE OF THE PROFESSIONAL). The professional who prepared the report or issued a certificate may be summoned to testify at the hearing only if, in the opinion of the judicial authority, it is necessary, and may not excuse himself or herself in this case.

ARTICLE 225. (EX OFFICIO EVIDENCE). The judge may, ex officio, order any evidence he or she deems necessary to form a better conviction of the facts, and no appeal may be lodged against this decision. This evidence shall be paid for by the State.

ARTICLE 226. (Scheduling of the hearing).

- I. Once the deadline for responding has passed, within the following three (3) days, a date and time will be set for a hearing to be held no later than twenty-five (25) days thereafter.
- II. The decree setting the hearing shall also precisely establish the points to be proven and declare the defendant who has not responded to the complaint in default.

ARTICLE 227. (PREPARATORY ACTIONS).

- I. Between the date of the hearing and the day of the hearing, the judge shall arrange for the child or adolescent to be heard with the support of specialized personnel. The judge may also order the preparation of reports by his or her interdisciplinary professional team and take other actions deemed necessary during the same period. For this purpose, the Supreme Court of Justice shall approve an appropriate protocol.
- II. A public defender shall be appointed, who shall be notified to attend the hearing and assume the legal defense of the absent or declared rebellious party, and the declared rebellious party shall be notified.
- III. The Office of the Ombudsman for Children and Adolescents must be notified for the legal defense of the child or adolescent.

ARTICLE 228. (COMMENCEMENT OF THE HEARING).

- I. The child or adolescent shall appear through their legal representative, and the other party shall attend in person, unless duly justified, through a representative. Under no circumstances shall the hearing be suspended, and in the event of the absence of the parties, the public defender or the Office of the Ombudsman for Children and Adolescents shall assume their defense, as appropriate.
- II. In the event of a justified impediment to the judge's attendance at the hearing, a new date and time shall be set within the next five (5) days.

ARTICLE 229. (CONDUCT OF THE HEARING).

- I. The following procedural activities shall be carried out at the hearing, under the direction of the judge:
 - a) The judge shall allow the response to the objections and then rule on them;
 - b) Resolve other matters that the judge may deem necessary to ensure the proper conduct of the proceedings, without prejudice to the possibility of correcting them at any time during the proceedings until the judgment is handed down;

- c) Provide grounds and clarification regarding the claim or the parties' response to their claims, when relevant;
 - d) The recording of the interview with the child or adolescent involved shall be presented, using technological resources;
 - e) Production of evidence. The judge may reject irrelevant evidence or evidence obtained in violation of human rights; and
 - f) Judicial inspection, when relevant.
- II. The interdisciplinary professional team may participate in the hearing at the request of the judge or public prosecutor for children and adolescents.
 - III. The hearing shall not be suspended except when the judge, giving reasons and for reasons of force majeure, decides to postpone it.
 - IV. All proceedings shall be recorded in summary minutes signed by the parties, the Office of the Ombudsman for Children and Adolescents, the judge, and the court clerk.

ARTICLE 230. (SUPPLEMENTARY HEARING). If the evidence has not been fully received during the working day, a recess shall be scheduled for the continuation of the hearing on the next working day, or extraordinary days shall be authorized until its completion.

ARTICLE 231. (JUDGMENT).

- I. Immediately after the presentation of evidence has been completed, with or without arguments, the judge shall deliver the judgment at the same hearing, with the parties being deemed to have been notified. Due to the complexity of the case, the judge may, exceptionally, order a recess for the delivery of the judgment, which shall not exceed the following three (3) business days.
- II. At the same hearing, the parties may request any additions or clarifications they deem appropriate, which shall be resolved immediately.

ARTICLE 232. (CONTENT OF THE JUDGMENT). The content of the judgment shall be as follows:

- a) Identification of the proceedings;
- b) Brief statement of facts;
- c) Legal arguments;
- d) Decision of the judge;
- e) Protective measures; and
- f) Penalties for those responsible, where applicable.

ARTICLE 233. (APPEAL).

- I.** The parties must state their decision to appeal at the hearing.
- II.** If the parties do not state their decision to appeal at the hearing or do not substantiate their appeal within three (3) days of being notified of the judgment, the judgment shall be deemed final and shall become res judicata.
- III.** The judgments rendered may be appealed. The judge who decided the case shall refer them to the corresponding Departmental Court of Justice within two (2) days. The Court shall decide within five (5) days.
- IV.** Appeals shall be processed with suspensive effect.

TITLE II SPECIAL PROCEDURES

CHAPTER I JUDICIAL FILIAION

ARTICLE 234. (LEGITIMACY TO SUE). The Office of the Ombudsman for Children and Adolescents has standing to file a lawsuit for judicial filiation before the judge or public prosecutor in matters of childhood and adolescence, when the identity of the mother or father is unknown or unknown, and said instance has exhausted all means to identify them.

ARTICLE 235. (LAWSUIT). The lawsuit must be filed in compliance with the relevant the requirements set forth in this Code and accompanied by social reports, certifying that all necessary efforts were made to locate the parents, detailed records of the child or adolescent's admission to temporary custody, medical a n d psychological reports and photographs corresponding to the time of their admission to the care facility, and three (3) recent photographs.

ARTICLE 236. (HEARING DATE). Once the lawsuit has been filed, the judicial authority shall set a hearing date to determine filiation.

ARTICLE 237. (FINDINGS IN COURT). In the event of a claim by a father, mother, or relatives, the case shall be referred to the family court, and proceedings shall continue in accordance with the Family Code.

ARTICLE 238. (SENTENCING HEARING).

- I.** The hearing shall be held in accordance with the provisions established in the common procedure.

- II. If parentage is proven, the judge shall issue a ruling declaring the claim unfounded and shall impose protective measures for the child or adolescent, as well as the corresponding penalties.
- III. If parentage cannot be proven, the judge shall determine legal parentage and ratify custody, ordering the registration of the child or adolescent with the Civil Registry Service, with conventional first and last names. Once the judgment has been enforced, the registration and issuance of the respective certificate shall be carried out within one (1) day.

CHAPTER II CONVERSION OF CUSTODY INTO ADOPTION

ARTICLE 239. (CONVERSION).

- I. For the conversion to be approved, the Office of the Ombudsman for Children and Adolescents shall submit the guardianship evaluation reports to the judicial authority, together with the Departmental Technical Social Policy Authority, so that, in accordance with the relevant protocol, the court's interdisciplinary professional team may ratify the conditions of adoptability and suitability within twenty (20) days.
- II. If the report is favorable for adoption, the time spent in foster care will be considered a pre-adoption period of cohabitation for the exceptional application of conversion from foster care to adoption.

ARTICLE 240. (HEARING). The judge shall set a hearing within two (2) days. At the hearing, the judge shall hear the applicant, necessarily the adolescent, and the child, depending on his or her age and degree of maturity, the Office of the Ombudsman for Children and Adolescents, the Departmental Technical Office for Social Policy, and the court's interdisciplinary professional team, in order to establish the appropriateness of converting guardianship into adoption.

CHAPTER III ORDINARY GUARDIANSHIP

ARTICLE 241. (LAWSUIT).

- I. The petition shall be filed by relatives, the Office of the Ombudsman for Children and Adolescents, or third parties. The petition shall propose the candidate guardian, accompanied by a plan for the exercise of guardianship. The requirements of the common procedure shall be observed, as applicable.
- II. The lawsuit must establish the situation of the mother, father, or both parents whose parental authority has been suspended. In the case of the Office of the Ombudsman for Children and Adolescents, all relevant documentation in its possession must be attached.

ARTICLE 242. (ADMISSION OF THE LAWSUIT).

- I.** Once the complaint has been admitted, the judge shall, in all cases, notify the Office of the Ombudsman for Children and Adolescents.
- II.** The Judge or Public Prosecutor for Children and Adolescents shall order the application of the corresponding protocol, which may not take longer than twenty (20) days to execute, by the interdisciplinary professional team. If the background information for the Office of the Ombudsman for Children and Adolescents is satisfactory, its application will not be necessary.
- III.** Where appropriate, the judge shall order the court clerk's office to draw up an inventory of assets and liabilities and take any other steps to secure the assets of the child or adolescent, as well as to establish a bond by the guardian.

ARTICLE 243. (APPOINTMENT OF INTERIM GUARDIAN). In accordance with the background, the judge shall appoint an interim guardian, who shall be limited to acts of mere protection of the child or adolescent and the preservation of their property.

ARTICLE 244. (HEARING DATE).

- I.** Once the deadline has passed and the background information and reports have been analyzed and the viability of the proposed guardianship has been established, the judge shall set a date and time for a hearing within the next ten (10) days.
- II.** If the proposed guardianship is found to be unfeasible, the judge shall terminate the proceedings, a decision that may be appealed.

ARTICLE 245. (CONDUCT OF THE HEARING). The following procedural activities shall be carried out at the hearing:

- a)** The clerk shall read the background information on the guardianship application, as well as the reports and steps taken;
- b)** The guardian or guardian candidate shall ratify the guardianship plan;
- c)** The child or adolescent shall be heard, taking into account their age and other special factors; and
- d)** The opinion of the Office of the Ombudsman for Children and Adolescents shall be heard.

ARTICLE 246. (JUDGMENT). At the same hearing, a judgment shall be issued, requiring the guardian to submit annual reports on their management and setting a remuneration of not less than

five percent (5%) nor greater than ten percent (10%) of the income produced by the assets under their administration.

ARTICLE 247. (OATH AND INDUCTION).

- I. The judge shall administer the oath of office to the guardian in the presence of the Office of the Ombudsman for Children and Adolescents. The judge shall require the guardian to fulfill their duties and shall remind them of the social significance of the role entrusted to them.
- II. Minutes shall be drawn up and signed by the judge, the guardian, the Office of the Ombudsman for Children and Adolescents, and the clerk. A copy shall be given to the person taking office to serve as a credential.

ARTICLE 248. (ACTIONS FOLLOWING THE APPOINTMENT OF THE GUARDIAN). With After the appointment of guardianship, the judge may:

- a) Order the expansion of the inventory of new assets acquired by the child or adolescent, as many times as necessary;
- b) Approve and modify the budget for the child's or adolescent's food and education expenses and the administration of their assets according to their personal circumstances and financial possibilities at the beginning of each year; and
- c) In the event of an increase or decrease in the assets of the child or adolescent, order a proportional increase or decrease in the bond, but do not cancel it in its entirety until the guardianship account has been approved and the obligations corresponding to the guardian for their management have been extinguished. The same shall apply in the event of loss or deterioration of the bond.

ARTICLE 249. (ACTION FOR REMOVAL OF THE GUARDIAN). The action The removal of the guardian shall be initiated by the Office of the Ombudsman for Children and Adolescents or by a third party, for justified reasons that give rise to their removal, and shall be brought before the same authority that appointed them.

CHAPTER IV ADOPTION

ARTICLE 250. (LAWSUIT).

- I. The petition may be filed by:
 - a) The applicants or the Office of the Ombudsman for Children and Adolescents, in the case of domestic adoptions, and

- b)** The Office of the Ombudsman for Children and Adolescents, in the case of international adoptions.
- II.** In both cases, the certificate of suitability, proof of adoptability, and other relevant documents shall be attached to the application. The requirements of the common procedure shall be observed, where applicable.
- III.** The process for obtaining national or international adoption may not exceed four (4) months, calculated from the date of acceptance of the application by the judicial authority until the judgment, under the responsibility of the bodies or authorities involved in the adoption process, in the event of unjustified delay.

ARTICLE 251. (ADMISSION OF THE APPLICATION).

- I.** Once the application has been accepted, the judge shall notify the Departmental Technical Social Policy Authority and the adoption applicants. In the case of international adoptions, the Central Authority shall also be notified for the purposes of processing the certificate of continuation of the procedure.
- II.** In the same order, the judicial authority shall pre-assign and instruct the Departmental Technical Office for Social Policy to carry out visits to the foster home or the home of the foster parent for a period of seven (7) days.

ARTICLE 252. (PRE-ASSIGNMENT REPORT).

- I.** The Departmental Technical Authority shall submit the respective report within five (5) days following the conclusion of the period specified in Paragraph II of Article 251 of this Code.
- II.** If the report is favorable for adoption, a hearing shall be scheduled for the pre-adoption period, which must be held within five (5) days. If the report is unfavorable, the process shall be terminated with respect to the applicant or both applicants, a decision that may be appealed.

ARTICLE 253. (PRE-ADOPTION PERIOD HEARING).

- I.** During this hearing, the judge shall grant temporary custody during the pre-adoption period, taking into account the age of the child or adolescent and the circumstances of the adoption. This period shall not exceed two (2) months.
- II.** In the case of custody for adoption purposes referred to in Articles 239 and 240 of this Code, the pre-adoption period is not required.

- III.** At the hearing, the judicial authority shall order the court's interdisciplinary team to monitor this stage and issue a report within five (5) days of the end of the pre-adoption period.
- IV.** To conclude the hearing, the judge shall set a date and time for the ratification and sentencing hearing within a period not exceeding ten (10) days after the conclusion of the pre-adoption period.

ARTICLE 254. (RATIFICATION AND SENTENCING HEARING). At the hearing, the following procedural activities shall be carried out:

- a)** The clerk shall read the background information on the adoption application, as well as the reports and steps taken;
- b)** The child or adolescent shall be heard, taking into account their age, stage of development, and other special factors;
- c)** The adoptive parents shall be informed of the legal effects of the adoption; and
- d)** The judicial authority shall issue the corresponding judgment, granting or denying the adoption.

ARTICLE 255. (CONTENT OF THE JUDGMENT). The judgment granting the adoption shall provide for:

- a)** The registration of the adoptee in the Civil Registry Service as the daughter or son of the adoptive parents, under the terms provided for in this Code, a procedure that may not exceed forty-eight (48) hours; and
- b)** The Departmental Technical Social Policy Authority shall carry out post-adoption monitoring, submitting biannual bio-psycho-social reports to the court for a period of two (2) years.

CHAPTER V ADMINISTRATIVE AND JUDICIAL PROVISIONS FOR INTERNATIONAL ADOPTION

ARTICLE 256. (GENERAL RULES FOR THE INTERNATIONAL ADOPTION PROCEDURE).

- I.** The process shall be initiated by the adoptive parents with an application to the Central Authority of the receiving State, or through a duly accredited intermediary agency, attaching the documentation containing the requirements established in this Code.

- II. The Bolivian Central Authority shall review the documentation submitted through its interdisciplinary professional team and issue the corresponding Certificate of Suitability, referring it to the Departmental Technical Social Policy Authority for inclusion of the application in the adoption requests within a non-extendable period of three (3) days from receipt of the documentation.
- III. The Departmental Technical Body for Social Policy shall forward general information on adoptable children and adolescents to the Bolivian Central Authority, in compliance with Article 16 of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. The adaptability of the child must be verified.
- IV. The Bolivian Central Authority shall, within a period not exceeding three (3) days, carry out the corresponding analysis, assessing adaptability. If there are any observations regarding the adaptability situation, the Departmental Technical Body for Social Policy shall supplement the relevant explanations, amendments, and supporting documentation within the following five days.
(5) following days.
- V. Once adaptability has been verified, the Bolivian Central Authority shall issue the corresponding certificate, attaching the supporting reports within three (3) days, which must be sent to the Central Authority of the receiving State or through the accredited intermediary body for a decision.
- VI. In compliance with Article 17 of the Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the receiving State shall, by official communication, inform its Bolivian counterpart of its intention to proceed with the adoption process.
- VII. Once the communication has been received, the Bolivian Central Authority shall have a period of three
(3) days to issue the Certificate of Continuation, which must be sent to the judicial authority.

ARTICLE 257. (APPEARANCE OF FOREIGN APPLICANTS). Once

Once the above requirements have been met, the provisions established for national adoption shall apply.

ARTICLE 258. (CONFORMITY).

- I. The judge shall forward the original or certified copy of the final judgment to the Bolivian Central Authority within two (2) days.
- II. Once the judgment has been received, the Bolivian Central Authority shall, within the following two (2) days, forward the information required for the adoption to be fully recognized to the Central Authority of the receiving State.

BOOK III
CRIMINAL JUSTICE SYSTEM FOR ADOLESCENTS

TITLE I GENERAL
PROVISIONS

CHAPTER I
CRIMINAL JUSTICE SYSTEM, RESPONSIBILITY, AND GUARANTEES

ARTICLE 259. (CRIMINAL JUSTICE SYSTEM). The Criminal Justice System for Adolescents is the set of institutions, bodies, entities, and services responsible for establishing the responsibility of adolescents for punishable conduct, as well as for applying and monitoring the corresponding socio-educational measures. This System shall implement the Plurinational Plan for Children and Adolescents as appropriate.

ARTICLE 260. (MEMBERS). The Criminal Justice System for adolescents shall be composed of:

- a) Ministry of Justice;
- b) Public Courts for Children and Adolescents;
- c) Public Prosecutor's Office;
- d) Public Defender's Office;
- e) Bolivian Police;
- f) Departmental Autonomous Governments;
- g) Departmental Technical Authority for Social Policy;
- h) Care entities.

ARTICLE 261. (RESPONSIBILITY OF THE ADOLESCENT).

- I. Adolescents who commit punishable acts classified as crimes in the Criminal Code and in special laws shall be held accountable for their actions in a manner different from adults. The difference consists of the specialized jurisdiction and the socio-educational measures imposed on them.
- II. The rights and guarantees of adolescents in the criminal justice system shall be ensured by all members of the system, in accordance with their powers and competences.

ARTICLE 262. (RIGHTS AND GUARANTEES).

- I. From the outset of the process and throughout the implementation of socio-educational measures, adolescents in the criminal justice system have the following rights and guarantees:
- a) Specialization. Justice shall be administered through a differentiated criminal justice system, through comprehensive proceedings and assistance from specialized personnel, in accordance with their status as persons undergoing physical, mental, emotional, spiritual, moral, and social development.
 - b) Presumption of innocence. The innocence of the adolescent is presumed during the process, until a final judgment determines the existence of the act and the participation of the accused, imposing a socio-educational measure;
 - c) To be heard. To be heard and to intervene in their material defense without this being used against them;
 - d) To remain silent. Not to testify against themselves or their blood relatives up to the fourth degree or their relatives by marriage up to the second degree, and their silence shall not be used to their detriment;
 - e) To be informed. To be informed, in accordance with your age and development, of the reasons for the investigation, procedural actions, your rights, as well as any action that may favor, affect, or restrict your rights;
 - f) To a Translator or Interpreter. To have the free assistance of a translator or interpreter if they do not understand or speak the language used or if they are an adolescent with a disability, in cases where it is necessary;
 - g) Due process. Criminal proceedings involving adolescents are oral, confidential, expeditious, and adversarial.
 - h) To specialized defense. To free specialized defense, which is inalienable, and no action is valid without the presence of their defense attorney. The defense is inviolable from the beginning of the investigation until the completion of the socio-educational measure imposed;
 - i) Comprehensive assistance. To receive free bio-psycho-socio-legal assistance;
 - j) To remain in specialized centers. To be deprived of liberty in centers exclusively for adolescents and with adequate conditions;
 - k) To communication. To permanent communication with their families and their defense attorney;

- l)** Privacy. To have their privacy and that of their family group respected;
 - m)** Confidentiality. The publication of information from the investigation or trial that directly or indirectly makes it possible to identify the adolescent is prohibited, with the exception of statistical information;
 - n)** To the involvement of their legal guardians. To the direct involvement of their legal guardians, unless this would result in conflict or be contrary to their interests;
 - o)** Proportionality. Sanctions and socio-educational measures must be rational and proportionate to the punishable act and its consequences.
 - p)** Single Prosecution. Remission, dismissal, and acquittal prevent further investigation or prosecution of the adolescent for the same offense, even if the legal classification is modified or new circumstances come to light; and
 - q)** Exceptional nature of deprivation of liberty. Except in cases of flagrante delicto, deprivation of liberty may only be ordered by a court, in the cases, under the conditions, and for the periods provided for in this Code. Preventive detention may be reviewed at any time at the request of the adolescent.
- II.** No adolescent may be prosecuted or punished for an act or omission that, at the time of its occurrence, is not previously defined in criminal law as a crime. Nor may they be punished if their conduct is justified or does not harm or endanger a protected legal right.
 - III.** The trial of the adolescent must comply with the principle of procedural economy, whereby several proceedings may be concentrated in a single act.
 - IV.** An adolescent found responsible for a punishable act may only be punished with the measures provided for in this Code.
 - V.** In order to determine the responsibility of an adolescent for a punishable act and apply the corresponding sanction, the procedure provided for in this Code must be followed.
 - VI.** The State shall guarantee restorative justice, as well as the timely resolution or release from the conflict.
 - VII.** In proceedings involving adolescents, they shall be treated with respect and consideration, which shall prevail in all proceedings, technical investigations, and expert examinations.

ARTICLE 263. (CONFIDENTIALITY OF PROCEEDINGS).

- I.** The obtaining or dissemination of images, as well as the disclosure of their identity or that of persons related to procedural, police, or administrative proceedings, is prohibited.
- II.** Criminal and police records shall be confidential and may only be certified by means of a reasoned order issued by the judge or public prosecutor responsible for children and adolescents.
- III.** In the case of an adolescent declared to be in contempt of court, only the information essential for their apprehension shall be published.

ARTICLE 264. (PROCEDURAL TIME LIMIT). The duration of the judicial process from the filing of the complaint to the final judgment handed down by the judge or public prosecutor in matters relating to children and adolescents shall not exceed eight months. The time lost due to delays or postponements in the proceedings shall not be counted when such delays or postponements are attributable to the adolescent. Judicial delays shall give rise to liability on the part of the judicial authority.

ARTICLE 265. (ERROR REGARDING AGE).

- I.** If during the proceedings it is determined that the adolescent was over eighteen (18) years of age at the time of the commission of the act, the judge shall declare himself or herself incompetent and refer the case to the ordinary criminal jurisdiction, with the proceedings to date remaining valid.
- II.** If it is proven that the person being prosecuted was under fourteen (14) years of age at the time of the offense, the judge shall cease criminal proceedings against the minor and refer the case to the Departmental Technical Social Policy Authority.
- III.** If there are doubts as to whether a person is under fourteen (14) years of age, he or she shall be presumed to be of that age until proven otherwise, and shall therefore be exempt from responsibility.

ARTICLE 266. (SEPARATION OF CASES). When, in the investigation of the commission of the same criminal act, sufficient evidence is found of the involvement of one or more adolescents with one or more adults, the proceedings shall be conducted separately in the ordinary jurisdiction and in the juvenile justice system.

CHAPTER II SCOPE OF APPLICATION

ARTICLE 267. (SUBJECTS).

- I.** The provisions of this Book apply to adolescents aged fourteen (14) and over and under eighteen (18) who are accused of committing acts classified as crimes.

- II. The maximum age for serving a custodial sentence is set at twenty-four (24) years of age.

ARTICLE 268. (ATTENUATED CRIMINAL RESPONSIBILITY).

- I. The criminal liability of the adolescent shall be mitigated by four-fifths of the maximum penalty corresponding to the crime established in the criminal law.
- II. For crimes whose maximum penalty is between fifteen (15) and thirty (30) years in the Criminal Law, the sentence shall be served in a specialized detention center.
- III. For crimes whose maximum penalty is less than fifteen (15) years under the Criminal Law, socio-educational measures with restriction of liberty and in liberty shall be applied.

ARTICLE 269. (EXEMPTION FROM CRIMINAL LIABILITY).

- I. Adolescents under the age of fourteen (14) are exempt from criminal responsibility, without prejudice to civil liability, which will be claimed from their legal guardians in civil court.
- II. When an adolescent under fourteen (14) years of age is apprehended or arrested, they shall be referred to the Departmental Technical Social Policy Authority to verify that their rights and guarantees are respected and to include them in the appropriate protection programs, without prejudice to protective measures ordered by the competent authority.
- III. Under no circumstances may children be deprived of their liberty, prosecuted, or subjected to socio-educational measures.
- IV. Adolescents between fourteen (14) and eighteen (18) years of age with intellectual, psychological, or mental disabilities who are unable to understand the unlawfulness of their actions shall not be prosecuted or held criminally or civilly liable.

TITLE II COMPETENCIES, POWERS, AND FUNCTIONS OF THE MEMBERS OF THE CRIMINAL JUSTICE SYSTEM FOR ADOLESCENTS

CHAPTER I GENERAL OBLIGATIONS

ARTICLE 270. (SPECIALIZED PERSONNEL).

- I. The highest authorities of each institution that forms part of the Juvenile Justice System must ensure the appointment of specialized personnel in sufficient numbers and of sufficient quality to guarantee its optimal functioning and to guarantee the rights of adolescents within its sphere of action.

- II.** All institutions, within their respective jurisdictions, are responsible for training the public servants in charge of implementing the provisions of this Code.

ARTICLE 271. (PRIVATE ENTITIES). Any private organization or entity that works or provides services in areas related to the Juvenile Justice System must have human resources specialized in the services it provides and financial resources to ensure its operation.

CHAPTER II MINISTRY OF JUSTICE

ARTICLE 272. (JUSTICE AUTHORITY).

- I.** The Ministry of Justice shall exercise technical oversight of the Juvenile Justice System with regard to:
- a)** Formulation and coordination of the development of plans, policies, programs, projects, standards, action tools, services, and comprehensive bodies, general guidelines for prevention, care, promotion, and comprehensive defense, as well as supervision of their implementation;
 - b)** Preparation of regional diagnoses and establishment of guidelines for the implementation of socio-educational measures, as well as programs and services aimed at the realization of restorative justice;
 - c)** Supervision and control of specialized centers for compliance with socio-educational and restorative measures;
 - d)** Identifying the needs of the system in order to implement actions and programs designed to meet those needs; and
 - e)** Conducting periodic evaluations of the functioning of the system.
- II.** In order to fulfill its duties, the Ministry of Justice shall have a technical body.

CHAPTER III JURISDICTION AND COMPETENCE

ARTICLE 273. (COMPETENCE).

- I.** The Public Prosecutor for Children and Adolescents has exclusive jurisdiction over all cases in which an adolescent over fourteen (14) and under eighteen (18) years of age is accused of committing a criminal offense, as well as the execution and control of their decisions. In accordance with this jurisdiction, they shall have the following powers:

- a) To exercise control over the investigation;
- b) Ensuring respect for the rights and guarantees of the parties;
- c) Promote conciliation, whenever appropriate;
- d) Promote and order the implementation of restorative justice mechanisms;
- e) Order the appropriate precautionary measures;
- f) Issue orders;
- g) Hear and rule on exceptions or incidents;
- h) Direct the preparation of the oral trial, hear the evidence, and issue a ruling;
- i) Enforce acquittals;
- j) Monitor compliance with socio-educational measures;
- k) Resolve, by means of orders or rulings, matters that come to its attention; and
- l) Hear the substantiation and resolution for the reparation of damages, when a punitive sentence has been handed down.

II. A juvenile may not be tried in the criminal jurisdiction for adults.

ARTICLE 274. (PUBLIC AND PRIVATE DEFENSE). Adolescents with criminal responsibility shall be assisted by a private or state attorney and by the interdisciplinary team of the Office of the Ombudsman for Children and Adolescents.

CHAPTER IV PUBLIC PROSECUTOR'S OFFICE AND BOLIVIAN POLICE

ARTICLE 275. (SPECIFIC POWERS OF PROSECUTORS)
SPECIALIZED). In addition to those established by the Organic Law of the Public Prosecutor's Office and other related regulations, the specific powers of prosecutors are:

- a) Promoting and requesting the removal of cases from the courts, whenever appropriate; reviewing and monitoring compliance with the accompanying restorative justice mechanisms; and

- b) Promote and require the application of alternative outcomes; review and monitor compliance with the accompanying restorative justice mechanisms.

ARTICLE 276. (POLICE ACTION).

- I. The Bolivian Police, in addition to being subject to the provisions of its Organic Law and related regulations, is subject to the following rules of conduct:
 - a) In cases of crimes involving persons under fourteen (14) years of age, the matter shall be referred to the competent judicial authority and the Office of the Ombudsman for Children and Adolescents and the Public Prosecutor's Office shall be informed of the facts, circumstances, and actions taken, in confidence, avoiding any form of physical or psychological violence.
 - b) In order to maintain public order or preserve citizen security, ensure that persons under eighteen (18) years of age who may be affected or involved receive appropriate treatment, informing the competent judicial authority and the Office of the Ombudsman for Children and Adolescents immediately, and if possible, their mother, father, guardian, or tutor;
 - c) The Bolivian Police shall have specialized investigators appointed by the Public Prosecutor's Office; and
 - d) The Bolivian Police's proceedings in matters of controlled substances will be processed by the Special Force for the Fight Against Drug Trafficking under the direction of the Controlled Substances Prosecutor, which will be referred to the prosecutor assigned to the case.
- II. The Bolivian Police shall establish the implementation of specialized protocols for prevention, care, and protection and shall coordinate with the Departmental Technical Bodies for Social Policy, the Offices of the Ombudsman for Children and Adolescents of the Autonomous Municipal Governments, and other public and private entities that carry out activities in prevention, care, and protection.

CHAPTER V DEPARTMENTAL AUTONOMOUS GOVERNMENTS AND POWERS OF THE DEPARTMENTAL TECHNICAL BODY FOR SOCIAL POLICY ON CRIMINAL RESPONSIBILITY FOR ADOLESCENTS.

ARTICLE 277. (DEPARTMENTAL AUTONOMOUS GOVERNMENTS).

- I. Departmental Autonomous Governments are responsible for the creation, implementation, financing, direction, organization, and management of services,

institutions, specialized centers, and programs to ensure the proper execution of the measures and sanctions provided for in this Code, as well as the programs and services aimed at achieving restorative justice.

- II. Specialized centers for adolescents in the criminal justice system shall have the infrastructure, equipped facilities, and specialized personnel necessary to guarantee the rights of adolescents in the criminal justice system.

ARTICLE 278. (DEPARTMENTAL TECHNICAL BODY FOR SOCIAL POLICY IN THE CRIMINAL JUSTICE SYSTEM). The Departmental Technical Body for Social Policy is responsible for the implementation of technical and operational activities of the programs, entities, and services of the Criminal Justice System for adolescents within its jurisdiction. Its powers are:

- a) To implement personalized, integrated, and specialized programs and services aimed at adolescents in the Criminal Justice System, for the fulfillment of socio-educational, non-custodial, restrictive, and custodial measures aimed at social and family reintegration, under the supervision of the public courts in matters of children and adolescents;
- b) To implement services and programs for the monitoring of the restorative justice mechanisms provided for in this Code;
- c) Monitor compliance with the rights and guarantees of adolescents under fourteen (14) years of age who have been apprehended or arrested; and
- d) Develop, with the full participation of the adolescent, his or her individual plan for the execution of the measure imposed on him or her.

CHAPTER VI CARE ENTITIES AND PROGRAMS OF THE CRIMINAL JUSTICE SYSTEM

SECTION I CRIMINAL JUSTICE SYSTEM CARE ENTITIES

ARTICLE 279. (NATURE). Criminal justice entities are institutions of public interest, intended for the enforcement of socio-educational measures imposed by the Public Prosecutor in matters relating to children and adolescents.

ARTICLE 280. (CARE ENTITIES). The following are care entities of the Criminal Justice System:

1. Guidance centers;
2. Social reintegration centers.

ARTICLE 281. (OBLIGATIONS OF ENTITIES IN THE CRIMINAL JUSTICE SYSTEM).

All care entities must adhere to the rules of this Code, respecting the principle of the best interests of the child or adolescent, and fulfill the following obligations in relation to them:

1. Conduct a personal and social study of each case;
2. Ensure food, clothing, and housing, as well as the necessary items for hygiene and personal care;
3. Guarantee medical and psychological care;
4. Guarantee their access to education;
5. Respect the possession of their personal belongings and the corresponding registration of their belongings;
6. Prepare them gradually for their separation from the institution;
7. Other measures necessary for effective social and family reintegration and the full and comprehensive development of adolescents.

SECTION II CRIMINAL JUSTICE SYSTEM PROGRAMS

ARTICLE 282. (PURPOSE AND PRIORITY).

- I. The programs of the Criminal Justice System are intended to achieve the full and comprehensive development of adolescents, as well as their adequate family and social reintegration.
- II. The content of the programs and actions developed by public and private implementing entities must respect the legal rights of adolescents, in accordance with the Political Constitution of the State, the provisions of this Code, and international treaties and conventions on children and adolescents.
- III. The Criminal Justice System for Adolescents shall implement the Departmental Program for Children and Adolescents, which shall in turn develop the Program of Specialized Centers and the Socio-Educational Guidance Programs, among others.

TITLE III CRIMINAL PROCEEDINGS INVOLVING MINORS

CHAPTER I CRIMINAL ACTION AND PARTICIPATION

ARTICLE 283. (EXERCISE OF CRIMINAL ACTION).

- I.** Criminal proceedings against adolescents are public, regardless of whether the crimes are private or public.
- II.** Criminal proceedings against adolescents at the request of a party shall require a complaint from the victim in order for the Public Prosecutor's Office to initiate proceedings for offenses at the request of a party established in the Criminal Procedure Code.
- III.** The prosecutor shall exercise criminal action directly when the crime has been committed against a person under twelve (12) years of age, an incapacitated person who does not have a guardian or custodian, or a minor or incapacitated person.

ARTICLE 284. (STATUTE OF LIMITATIONS).

- I.** Except in cases of non-statute of limitations established in the Political Constitution of the State, criminal proceedings against adolescents shall be subject to a statute of limitations:
 - a)** In three (3) years, for crimes carrying a prison sentence of ten (10) or more years;
 - b)** In two (2) years, for other crimes punishable by imprisonment; and
 - c)** Six (6) months for crimes punishable by non-custodial sentences.
- II.** The terms indicated for the statute of limitations shall be counted from midnight on the day the crime was committed or ceased to be committed.
- III.** The statute of limitations for criminal proceedings against adolescents shall be interrupted by formal charges or a declaration of contempt, at which point the period shall be calculated anew.
- IV.** The statute of limitations shall be interrupted or suspended individually for the perpetrator and the participants.
- V.** The statute of limitations shall be suspended while the resolution of preliminary issues is pending.

ARTICLE 285. (DEFAULT).

- I.** A juvenile in the criminal justice system shall be declared in contempt when:
 - a)** He or she fails to appear, without just cause, in response to a summons issued by a competent authority;
 - b)** They have escaped from the facility or place where they were being held;
 - c)** They cannot be found as a result of an arrest warrant issued by a competent authority; and
 - d)** Absence without authorization from the judge of the place assigned for residence.
- II.** A declaration of contempt will not suspend the investigation phase. When declared during the trial, the trial will be suspended with respect to the person in contempt and will continue for the others.
- III.** When the person in contempt appears or is brought before the authority that requires them, the proceedings shall continue, rendering the orders issued for their appearance null and void, and they shall be exempt from paying the costs of their contempt. If they justify their failure to appear due to a serious and legitimate impediment, the contempt shall be revoked.

ARTICLE 286. (PARTICIPATION OF THE VICTIM).

- I.** The victim may participate in the proceedings alone or through a lawyer or representative, intervene orally or in writing, and file the appropriate appeals when deemed necessary to defend their interests.
- II.** In the case of child or adolescent victims, their participation shall require the presence of their mother, father, guardian, or tutor, accompanied by a representative of the Office of the Ombudsman for Children and Adolescents and the Victim and Witness Assistance Unit of the Public Prosecutor's Office.
- III.** The judge, prosecutor, and police authority shall ensure that victims are not revictimized.

CHAPTER II ARREST, PRECAUTIONARY MEASURES AND PROCEDURAL RISKS

ARTICLE 287. (ARREST).

- I.** Adolescents may only be apprehended in the following cases:
 - a)** In the event of escape, while legally detained;
 - b)** In the event of a flagrant crime;
 - c)** In compliance with an order issued by a judge; and
 - d)** At the request of the prosecutor, in the event of non-attendance, when there is sufficient evidence that the person is the perpetrator or participant in a crime punishable by imprisonment with a minimum legal sentence of three (3) years or more, or that the person could hide, flee, or leave the premises, or obstruct the investigation of the truth.
- II.** In the case of subparagraphs a) and b) of the preceding paragraph, the police authority that apprehended the person must notify the prosecutor of this situation by means of a detailed report within eight (8) hours and refer the case to the Public Prosecutor's Office. The prosecutor shall inform the judge within twenty-four (24) hours and present the charges so that a decision can be made on the procedural situation. The prosecutor shall also immediately notify the Office of the Ombudsman for Children and Adolescents, the public defender, or private attorney, and, if possible, the mother, father, guardian, or tutor.
- III.** The preliminary hearing shall be scheduled and resolved on a priority basis.
- IV.** Under no circumstances may an apprehended adolescent be held incommunicado or detained in police stations, prisons, or Public Prosecutor's Office facilities for adults.

ARTICLE 288. (PERSONAL PRECAUTIONARY MEASURES). The judge may reasonably order the application of one or more of the following precautionary measures:

- a)** Obligation to appear before the judge at intervals determined by that authority;
- b)** The obligation to submit to the care of a person of proven responsibility who has no criminal record;
- c)** To refrain from going to certain places or meeting with certain people;

- d) Refraining from communicating with certain persons, provided that this does not affect their right to defense;
- e) Restriction on movement;
- f) The obligation to remain at home, under the care of their mother, father, guardian, or tutor; and
- g) Preventive detention.

ARTICLE 289. (REQUIREMENTS FOR PREVENTIVE DETENTION).

- I. Upon written and substantiated request by the prosecutor, the judge may order preventive detention when the following circumstances are present concurrently:
 - a) The existence of sufficient evidence of the probable involvement of the adolescent in the act; and
 - b) There is a reasonable risk of flight or obstruction of the investigation of the truth.
- II. Preventive detention shall not proceed for acts that constitute crimes against property when the item is returned, restored, or recovered, or when it has not left the victim's possession, or when the damage has been repaired.
- III. Preventive detention shall be carried out in social reintegration centers, separated by gender and separated from adolescents serving socio-educational measures involving deprivation of liberty, with priority given to the speed of processing.

ARTICLE 290. (RISK OF FLIGHT OR OBSTRUCTION OF THE INVESTIGATION OF THE TRUTH).

- I. In order to decide whether there is a risk of flight or obstruction of the investigation of the truth with respect to the adolescent, the judge shall conduct a comprehensive assessment of the existing circumstances, ruling on the following:
 - a) That he has the means or can be provided with the means to leave the country or remain in hiding;
 - b) That during the proceedings or in previous proceedings, they have behaved in a manner that demonstrates their unwillingness to submit to the proceedings;

- c) That they have been charged with or convicted of another crime;
 - d) That he or she may destroy, modify, conceal, suppress, or falsify evidence;
 - e) That they may negatively influence or endanger any person related to the proceedings, whether an authority, participant, witness, expert, party, or third party; and
 - f) That they belong to a criminal organization or criminal association.
- II. If they work in the country and cooperate permanently in supporting their family, it will be considered that there is no risk of flight.

ARTICLE 291. (TERMINATION OF PREVENTIVE DETENTION).

- I. Preventive detention shall cease in the following cases:
- a) When new evidence shows that the grounds on which it was based no longer exist or that it should be replaced by another measure;
 - b) When its duration exceeds the legal minimum time that could correspond to it in an open regime, in accordance with the proportionality of the penalty established for the crime being tried;
 - c) When its duration exceeds forty-five (45) days without a prosecutor's indictment, or ninety (90) days in the case of multiple adolescents charged, counted from the date of notification of the charges against the adolescent; and
 - d) When its duration exceeds three (3) months without a first instance judgment, or six (6) months in the case of multiple adolescents charged, counted from the notification of the charges against the adolescent.
- II. Once the time limits set forth in paragraphs b) and c) of this Article have expired, the judge shall apply other measures provided for in this Code.

CHAPTER III INVESTIGATION

ARTICLE 292. (CALCULATION OF TIME LIMITS).

- I. The deadlines are non-extendable and peremptory, running from the business day following notification and expiring on the last business day indicated.
- II. The party in whose favor a deadline was established may waive or shorten it by expressly stating so.

ARTICLE 293. (PROSECUTION).

- I.** When the prosecutor considers that there is sufficient evidence of the existence of the act and the involvement of the adolescent in the criminal justice system, he or she shall, by means of a reasoned decision, charge the adolescent with the crime committed and request the judge to resolve the procedural situation and apply the appropriate precautionary measures to ensure the adolescent's presence in the criminal proceedings.
- II.** The investigative stage conducted by the prosecutor shall not exceed forty-five (45) days from the date of filing the complaint with the police or the prosecutor's office. In the case of multiple adolescents charged, the maximum duration of the investigative stage shall not exceed ninety (90) days.

ARTICLE 294. (ELEMENTS OF CONVICTION AND EVALUATION).

- I.** The judge shall admit as evidence all lawful elements of conviction that may lead to the discovery of the historical truth of the act, the responsibility, and the personality of the accused adolescent, and may order the production of extraordinary evidence.
- II.** The judge shall evaluate the evidence, applying the rules of sound judgment, adequately justifying and substantiating the reasons for which he or she assigns a certain value to it, based on a joint and harmonious assessment of all the evidence produced.

ARTICLE 295. (EXCLUSIONS OF EVIDENCE). Acts that violate the rights and guarantees enshrined in the Political Constitution of the State, in international conventions and treaties, in this Code, and in other laws of the State, as well as evidence obtained by unlawful means, shall be deemed to have no probative value.

CHAPTER IV CONCLUSION OF THE INVESTIGATION

SECTION I JUDICIAL REQUIREMENT AND RESOLUTION

ARTICLE 296. (CONCLUSIVE REQUIREMENTS). Once the investigation has been completed, the Prosecutor shall submit the following conclusive requirements:

- a)** Application of referral, accompanied by restorative justice mechanisms;
- b)** Application of alternative sentencing, accompanied by restorative justice mechanisms;
- c)** Indictment;

- d)** Dismissal;
- e)** Rejection;
- f)** Dismissal; and
- g)** Early termination of proceedings.

ARTICLE 297. (CONCLUSIVE JUDICIAL DECISIONS). The judge, judge, after hearing the parties' arguments, shall decide on the spot and in a single order on all the issues raised and shall determine, as appropriate:

- a)** Order the application of referral, when not requested by the prosecutor;
- b)** Order the application of an alternative outcome;
- c)** Issue a judgment in oral proceedings;
- d)** Approve dismissal, where appropriate; and
- e)** Approve the early termination of the proceedings.

SECTION II REFERRAL

ARTICLE 298. (SCOPE OF REFERRAL).

- I.** This is the measure of removal from the judicial process by which the adolescent is excluded from the judicial process in order to avoid the negative effects that it could have on his or her overall development.
- II.** Referral does not necessarily imply recognition or verification of responsibility for the act and cannot be considered a criminal record; however, it should only be applied when there is sufficient evidence to presume that the adolescent has committed the crime of which he or she is accused.
- III.** The victim may request a review of the referral decision before the prosecutor who issued it, within five (5) days of notification, who shall forward the case file to the departmental prosecutor within one (1) day.
- IV.** The Departmental Prosecutor shall, within five (5) days of receiving the request for review, determine whether to revoke or ratify the referral. If revocation is ordered, the case shall proceed, and if ratification is ordered, the case shall be closed.

ARTICLE 299. (APPLICATION OF THE REFERRAL).

- I.** Remission may only be applied when the crime carries a maximum prison sentence of up to five (5) years as established in criminal law, and there is consent and willingness on the part of the criminally responsible adolescent, as well as their mother, father, guardian, or tutor, to submit to remission and a restorative justice mechanism.
- II.** The prosecutor, after taking the statement of the adolescent, may order remission, subject to a psychosocial report from the Departmental Technical Social Policy Authority.
- III.** If the prosecutor does not require referral, the adolescent's defense attorney may request its application to the judge, who may order it even if the prosecutor has filed charges, ordering the necessary proceedings to be carried out, if applicable.

ARTICLE 300. (MONITORING COMPLIANCE WITH RESTORATIVE JUSTICE MECHANISMS IN REFERRALS).

- I.** The mechanisms established may be reviewed by the judge or prosecutor based on the report of the interdisciplinary team of the Departmental Technical Social Policy Office.
- II.** Upon compliance with the restorative justice mechanisms, which shall not exceed six (6) months from their application, the judge or prosecutor who granted the referral shall declare the case closed.
- III.** In the event of serious and repeated non-compliance, the referral may be revoked and the case may be prosecuted.

SECTION III ALTERNATIVE SOLUTIONS

ARTICLE 301. (SCOPE OF CONCILIATION).

- I.** Conciliation is an alternative to the process, through which the conflict is resolved, and may be carried out until the judgment is handed down.
- II.** In order to promote reconciliation, the judge or prosecutor shall convene a hearing attended by the adolescent with criminal responsibility, his or her mother, father, guardian, or tutor, the victim or his or her legal representative, and the lawyer from the Office of the Ombudsman for Children and Adolescents, without the presence of the parties' private lawyers.

- III. The settlement agreement shall set out the obligations established and, where appropriate, the deadline for compliance, whereby the damage caused to the victim shall be repaired in its entirety. To this end, the judge shall order the implementation of restorative justice mechanisms, which shall have a maximum duration of six (6) months.
- IV. The resolution approving the settlement agreement promoted by the prosecutor may be revoked in cases of inadmissibility established by law.

ARTICLE 302. (REPARATION FOR DAMAGES).

- I. Full compensation for the damage caused is the alternative solution to resolving the conflict, which can be carried out before the sentence is handed down in crimes against property or in culpable crimes that do not result in death, provided that the victim or the prosecutor agrees, depending on the case, with the consequent declaration of termination of criminal proceedings by the judge.
- II. In cases where compensation for damages is appropriate through conciliation, it shall be established by agreement between the parties as set out in the conciliation agreement.
- III. The judge shall order the implementation of restorative justice mechanisms, which shall have a maximum duration of six (6) months.

ARTICLE 303. (MONITORING COMPLIANCE WITH RESTORATIVE JUSTICE MECHANISMS).

- I. The mechanisms established in the application of alternative measures may be reviewed by the judge or prosecutor based on the report of the interdisciplinary team of the Departmental Technical Social Policy Office.
- II. Upon compliance with the restorative justice mechanisms, the judge shall declare the criminal action extinguished.

SECTION IV OTHER CONCLUSIVE REQUIREMENTS

ARTICLE 304. (INDICTMENT).

- I. The prosecutor shall present the indictment to the judge if he or she considers that the investigation provides grounds for the public prosecution of the adolescent with criminal responsibility.
- II. The indictment shall contain:

- a) Information that serves to identify the adolescent and their legal address;
- b) The precise and detailed account of the alleged act;
- c) The grounds for the accusation, with an explanation of the evidence on which it is based;
- d) The applicable legal provisions; and
- e) The evidence to be presented at trial.

ARTICLE 305. (DISMISSAL).

- I. The prosecutor, based on the results of the investigation and finding insufficient evidence of liability, shall order the dismissal and closure of the case.
 - II. Dismissal shall proceed when:
 - a) It is evident that the act did not occur;
 - b) The act does not constitute a crime;
 - c) The adolescent with criminal responsibility did not participate in the act; and
 - d) The evidence is insufficient to support the charges.

ARTICLE 306. (REJECTION).

- I. The prosecutor may dismiss the complaint when:
 - a) The act did not occur, is not classified as a crime, or the adolescent did not participate in it;
 - b) The perpetrator cannot be identified;
 - c) The investigation has not provided sufficient evidence to support an indictment; and
 - d) There are legal obstacles to the proceedings.
- II. In the cases provided for in subparagraphs b), c), and d) of the preceding paragraph, the decision may not be modified until the circumstances on which it is based change or the obstacle preventing the process from proceeding is removed.
- III. The victim may challenge the rejection decision within five (5) business days of its notification before the prosecutor who issued it, who shall forward the case file

to the Departmental Prosecutor within one (1) day. The Departmental Prosecutor shall, within ten (10) days of receiving the proceedings, determine whether to revoke or uphold the rejection. If the rejection is revoked, the Prosecutor shall order the investigation to continue, and if it is upheld, the case shall be closed without further action.

ARTICLE 307. (DISMISSAL).

- I. When the complaint is manifestly inadmissible, when the alleged act does not constitute a crime or should be dealt with by other means, the Prosecutor shall dismiss it without the need to open an investigation.
- II. The parties may request a review of the dismissal decision within five (5) days of notification before the prosecutor who issued it, who shall forward the case file to the departmental prosecutor within one (1) day.
- III. The Departmental Prosecutor shall, within five (5) days of receiving the request for review, determine whether to revoke or uphold the dismissal. If the dismissal is revoked, the Prosecutor shall order the opening of an investigation; if it is upheld, the case shall be closed.

ARTICLE 308. (EARLY TERMINATION).

- I. Once sufficient evidence has been gathered to support an indictment, as well as in cases of flagrante delicto, the prosecutor, at the request of the criminally responsible adolescent and his or her attorney, may request the judge, in his or her final request, the application of early termination of the proceedings, based on the voluntary acknowledgment of participation in the act and consent to submit to early proceedings under a mitigated socio-educational measure.
- II. The participation of several adolescents in the criminal justice system in the proceedings shall not prevent the early termination of the proceedings for any of them.
- III. At the oral hearing, the judge shall hear the prosecutor, the adolescent in the criminal justice system, and the victim, after verifying that the requirements for admissibility have been met.
- IV. Once early termination of the proceedings has been granted, the socio-educational measure may not exceed that requested by the prosecutor.
- V. The judge may deny the application for early termination if he or she considers that the oral trial will allow for a better understanding of the facts, departing from the knowledge of the case, in which case the judge or court that subsequently hears the case may not base the socio-educational measure on the admission of the facts formulated for this proceeding.

CHAPTER V TRIAL

ARTICLE 309. (PREPARATION OF THE TRIAL). The judge shall, within one day of receiving the indictment, file the case and order:

(1) day of receiving the indictment, shall file the case and order:

- a)** The preparation of a report of approval and/or supplementation and/or updating, by the interdisciplinary professional team of the Court, of the bio-psycho-social and/or psycho-social reports that will be filed in the case file, within five (5) business days;
- b)** The notification of the adolescent with the indictment, so that within five (5) business days of notification, he or she may offer evidence in his or her defense;
- c)** At the end of this period, issue an order to open the trial, indicating the date and time of the trial within the following ten (10) days; and
- d)** The parties, witnesses, experts, and interpreters shall be notified within two (2) days, and if necessary, all measures shall be taken for the organization and conduct of the oral trial.

ARTICLE 310. (RESERVATION).

- I.** The oral proceedings shall be held in camera, exceptionally in open court, by means of a written and reasoned decision, taking measures to prevent the identity and image of the adolescent from being recorded by any means.
- II.** The trial shall be recorded in writing, which, as part of the case file, shall be subject to the confidentiality and privacy provisions of this Code.

ARTICLE 311. (TRIAL HEARING).

- I.** Once the hearing has begun, the prosecutor and the adolescent's defense counsel, in that order, shall present their arguments orally, precisely, orderly, and clearly.
- II.** All exceptions and incidents shall be presented verbally at the trial hearing and, after hearing the opposing party, shall be resolved in the judgment.
- III.** Once the exceptions and incidents have been filed and answered, the hearing shall continue and all the evidence offered shall be presented in turn.
- IV.** Next, the interdisciplinary professional team shall present its technical report orally, the prosecutor's opinion shall be received, and the adolescent shall be heard.

Immediately after the presentation of the evidence and the corresponding arguments, the judge will issue a ruling at the same hearing, observing the rules of sound judgment, and may postpone the presentation of the grounds for the ruling until the following day.

- V. Once the trial has begun, it shall be held without interruption on all working days until the judgment is handed down. If necessary, overtime shall be authorized until the trial is concluded within a maximum period of five (5) working days, which may be extended for a similar period for duly justified reasons.

ARTICLE 312. (JUDGMENT).

- I. The judge shall issue an acquittal or conviction and shall apply, where appropriate, the established socio-educational measures.
- II. A socio-educational measure may not be applied for an act that is different and inconsistent with that attributed in the indictment.
- III. If the adolescent is in preventive detention, he or she shall be released immediately upon acquittal.

CHAPTER VI APPEALS

ARTICLE 313. (REVIEW).

- I. The appeal for reconsideration shall only proceed against mere procedural decisions, so that the same judicial authority, having been notified of its error, may revoke or modify them.
- II. This appeal shall be filed in writing within one (1) day of notification of the ruling to the appellant, and verbally when filed at hearings. The judge or court shall decide on the appeal without a hearing within the same period or at the same hearing if it is raised at a hearing.

ARTICLE 314. (INCIDENTAL APPEAL).

- I. An incidental appeal may be lodged against the following decisions:
 - a) Regarding precautionary measures or their substitution or dismissal;
 - b) Those that deny or revoke requests to extend investigations in cases related to criminal organizations, criminal associations, or complex crimes; and
 - c) Those issued in execution of a judgment.

- II. The appeal shall be filed in writing, with proper grounds, before the judge who issued the ruling, within three (3) days of notification of the ruling to the appellant.
- III. Upon receipt of the response to the transfer or upon expiration of the deadline for doing so, the appeal shall be referred to the Departmental Court of Justice, which shall decide in writing within five (5) days from the filing of the proceedings.

ARTICLE 315. (APPEAL OF JUDGMENT).

- I. An appeal against a judgment shall be lodged on the grounds of non-compliance with or misapplication of the law. When the legal provision invoked as not observed or erroneously applied constitutes a procedural defect, the appeal shall only be admissible if the interested party has timely requested its correction or has reserved the right to appeal, except in cases of absolute nullity or when the judgment is flawed.
- II. The defects in the judgment that enable an appeal shall be as follows:
 - a) Failure to observe or erroneous application of the law;
 - b) Failure to properly identify the person sentenced;
 - c) Failure to state the facts of the case or to provide a detailed determination thereof;
 - d) That it is based on evidence or elements that were not legally incorporated into the trial;
 - e) That there is no basis for the judgment or that it is insufficient or contradictory;
 - f) That the sentence is based on non-existent or unproven facts or on a flawed assessment of the evidence;
 - g) That there is a contradiction in its operative part or between it and the recitals; and
 - h) Failure to observe consistency between the judgment and the prosecutor's indictment.
- III. Once the appeal has been filed, the other parties shall be notified so that they may respond with substantiated arguments within ten (10) days and within five (5) days if they agree with the appeal.
- IV. Once the deadlines have expired, with or without a response, the proceedings shall be referred to the higher court within three (3) days and the parties shall be summoned to appear within ten (10) days of the referral.

- V.** When the appeal is based on a defect of form or procedure, evidence may be submitted and offered when filing, responding to, or joining the appeal.
- VI.** The appeal shall be decided at a hearing. Once the hearing has concluded, the reasoned decision on the appeal shall be notified within a maximum period of twenty (20) days, remedying the failure to comply with the law or its erroneous application.
- VII.** Errors of law in the grounds for the contested decision, which have not influenced the operative part, shall not invalidate it, but shall be corrected by the court of appeal, as shall formal errors or omissions and those relating to the imposition of socio-educational measures.
- VIII.** The court of appeal, without overturning the appealed judgment, may provide additional reasoning without changing the legal situation of the adolescent.
- IX.** The order for review shall be executed by the judge of first instance and there shall be no further appeal against this decision.

TITLE IV RESTAURATIVE JUSTICE MECHANISMS

SINGLE CHAPTER GENERAL PROVISIONS

ARTICLE 316. (RESTAURATIVE JUSTICE MECHANISMS).

- I.** Restorative justice mechanisms are the procedures that accompany the application of remission, alternative measures, and socio-educational measures.
- II.** In these proceedings, the victim, the adolescent, his or her mother, father, guardian, tutor, one or more support persons, and, where appropriate, members of the community affected by the crime, participate in the reintegration of the adolescent, supported by an interdisciplinary facilitation team, in order to recognize the adolescent as a whole, constructive, and productive person.
- III.** The mechanisms established in this Article seek to ensure that adolescents assume responsibility for their actions, train them to exercise their social skills and rights, and seek redress for the damage caused. For the victim, the externalization of their situation as a victim and overcoming the consequences of the events, with reparation. For the community, active participation in the process of social reintegration of both the victim and the adolescent, and the reduction of social impact through secondary prevention.

ARTICLE 317. (TYPES AND FORMS OF APPLICATION).

- I.** Restorative justice mechanisms involving the victim are carried out through mediation, family meetings, restorative circles, and other similar means. When the victim does not participate, the mechanism is carried out through a socio-educational guidance program.
- II.** In response to the needs of the parties, they may be applied in a complementary and comprehensive manner.

ARTICLE 318. (APPLICATION OF RESTORATIVE JUSTICE MECHANISMS).

These are mechanisms that seek to achieve restorative results, under the following rules:

- a)** They must be free, voluntary, and confidential;
- b)** They are carried out at the request of the competent authority, with the free and voluntary consent of the victim, the adolescent in the criminal justice system, the mother, father, guardian, or tutor, and the community, who may withdraw that consent at any time during the process;
- c)** The agreements shall only contain reasonable and proportionate obligations;
- d)** The involvement of adolescents in the criminal justice system shall not be used as evidence of admission of guilt in subsequent legal proceedings;
- e)** Failure to comply with an agreement shall not be used as grounds for a punitive sentence or for the aggravation of a socio-educational measure;
- f)** Differences leading to inequality of positions, as well as cultural differences between the parties, must be taken into account when submitting a case to a restorative process and when carrying it out;
- g)** The safety of the parties must be taken into account; and
- h)** Specialized facilitators shall perform their duties impartially, with due respect for the dignity of the parties.

ARTICLE 319. (MEDIATION). Mediation is the procedure by which a specialized technical person who has no decision-making power seeks to bring the parties together to establish dialogue and voluntary communication about the event that gave rise to the criminal conflict, and enables reparation to be restorative in nature, beyond compensation for damages and losses.

ARTICLE 320. (RESTORATIVE CIRCLES). Restorative circles seek the participation and rapprochement of the parties, as well as the family and the community, in order to reestablish the bonds affected by the commission of the crime.

ARTICLE 321. (SOCIO-EDUCATIONAL GUIDANCE PROGRAMS).

- I. These are personalized, comprehensive programs that provide support and follow-up for adolescents in the criminal justice system, complying with agreements derived from the application of restorative justice mechanisms, without the participation of the victim.
- II. They are designed and implemented by departmental social management bodies, within the scope of their powers, based on the assessment carried out by the interdisciplinary team, through the development of a comprehensive guidance plan for each adolescent in the criminal justice system and, where appropriate, for their family. They will include aspects to be developed in the family, educational, work, occupational, and spiritual spheres.
- III. The comprehensive guidance plan will be implemented through psychological and social intervention sessions with each of the adolescents and their families, using recording instruments that allow for monitoring.

**SECTION I SOCIO-
EDUCATIONAL MEASURES**

ARTICLE 322. (PURPOSE).

- I. The measures are primarily educational in nature, aimed at social reintegration and, where possible, reparation for the damage caused. They also aim to prevent recidivism through interdisciplinary and individualized intervention with adolescents in the criminal justice system.
- II. Socio-educational measures are carried out in freedom, with restrictions, and with deprivation of liberty.

ARTICLE 323. (TYPES OF MEASURES).

- I. The socio-educational measures that are carried out in freedom are:
 - a) Community service; and
 - b) Assisted liberty.
- II. Socio-educational measures carried out with restrictions on liberty are:
 - a) House arrest;

- b) Free time regime; and
 - c) Semi-open regime.
 - III. Socio-educational measures involving deprivation of liberty are those carried out under a detention regime.
 - IV. Where appropriate, one or more of the following rules of conduct may be imposed on the sanctioned adolescent, in addition to the measures indicated in the preceding paragraphs:
 - a) Establish yourself in a specific place of residence;
 - b) Report your residence and, if applicable, any change of address;
 - c) Enroll in and attend a formal education center or find employment;
 - d) Prohibition on associating with certain individuals;
 - e) Prohibition on visiting certain places;
 - f) Prohibition on consuming alcoholic beverages, narcotics, or psychotropic substances; and
 - g) Receive special instruction, therapy, or treatment.

ARTICLE 324. (APPLICATION OF SOCIO-EDUCATIONAL MEASURES).

- I. Socio-educational measures without detention shall be applied when the reduced sentence imposed on the adolescent is less than one (1) year, without interfering with normal study or work activities.
- II. Socio-educational measures involving restriction of liberty shall be applied when the reduced sentence imposed on the adolescent is between one (1) year and two (2) years. The judge shall determine the socio-educational measures involving deprivation of liberty.
- III. Socio-educational measures involving deprivation of liberty shall be applied when the reduced sentence imposed on the adolescent is greater than two (2) years.

ARTICLE 325. (GUIDELINES FOR DETERMINING AND APPLYING THE

MEASURE). In order to determine the applicable measure and establish its duration, the judge shall take into account:

- a) The nature and seriousness of the acts;

- b)** The degree of responsibility of the adolescent;
- c)** The proportionality and suitability of the measure;
- d)** The age of the adolescent and their ability to comply with the measure; and
- e)** The adolescent's efforts to repair the damage.

SECTION II DEFINITION OF MEASURES

ARTICLE 326. (COMMUNITY SERVICE).

- I.** Community service consists of performing specific tasks, free of charge, for the common good of the population, for the duration of the criminal sanction.
- II.** The tasks shall be commensurate with the adolescent's abilities, without interfering with normal activities, study, or work.
- III.** The socio-educational measure shall be carried out exclusively during daytime hours and may not exceed three (3) hours per week or be less than one (1) hour. They may be carried out on weekdays, Saturdays, Sundays, or holidays.
- IV.** This measure shall apply for the duration of the sanction and warrants the inclusion of the criminally responsible adolescent in a program developed for this purpose by the Departmental Technical Social Policy Authority.

ARTICLE 327. (ASSISTED FREEDOM).

- I.** This measure consists of granting freedom to the adolescent, who is obliged to submit, for the duration of the sanction, to the supervision, assistance, and guidance of a duly trained technical expert.
- II.** This measure shall apply for the duration of the sentence and warrants the inclusion of the criminally responsible adolescent in a program developed for this purpose by the Departmental Technical Social Policy Authority.

ARTICLE 328. (HOME DETENTION).

- I.** This measure consists of the adolescent remaining in their usual residence with their mother, father, guardian, or tutor. If this is not possible or convenient, they will be placed in the home of another family member or suitable person, or in a public or private institution, with consent and under responsibility.

- II. The home detention regime may not affect compliance with the individual plan for the execution of the measure or the normal course of study or work activities.
- III. This measure shall be applied for the duration of the sanction and warrants the inclusion of the criminally responsible adolescent in a program developed for this purpose by the Departmental Technical Social Policy Authority.

ARTICLE 329. (FREE TIME REGIME). This measure consists of the adolescent remaining in a specialized center on holidays and weekends, when they do not have normal study or work activities.

ARTICLE 330. (SEMI-OPEN REGIME).

- I. This measure consists of the adolescent's incorporation, for the duration of the sanction, into a specialized center from which they may only leave to carry out study, training, work, sports, and cultural activities established in the individual plan for the execution of the measure.
- II. The judge may suspend these activities for a specified period or require them to be carried out within the specialized center, in accordance with the monitoring report and technical recommendation.

ARTICLE 331. (INTERMENT REGIME). This measure consists of the deprivation of liberty of the adolescent for the duration of the sanction and shall be served in a closed regime in a specialized center.

SECTION III SPECIALIZED CENTERS

ARTICLE 332. (CLASSIFICATION). For the enforcement of socio-educational measures in freedom and in deprivation of liberty, specialized centers are classified as follows:

- a) **Guidance Centers.** These centers will provide care and monitor and evaluate compliance with restorative justice mechanisms, socio-educational measures while at liberty and those involving home detention, as well as precautionary measures while at liberty; and
- b) **Social Reintegration Centers.** These centers will enforce preventive detention, socio-educational measures involving home detention, semi-open detention, and institutionalization.

ARTICLE 333. (OBJECTIVES OF GUIDANCE CENTERS). They shall implement, in coordination with the Departmental Technical Bodies for Social Policy, programs aimed at adolescents in the Penal System to achieve the following objectives:

- a) Develop systematic, general, and personalized intervention aimed at developing a life plan for social and family reintegration;
- b) Develop and implement the referral program, promote reconciliation, and accompany the fulfillment of socio-educational measures;
- c) Implement family and social reintegration programs with a qualified professional team that provides guidance and socio-educational technical assistance;
- d) Supervise home detention; and
- e) Provide support and follow-up during the execution of the sentence and in the period after the measures have been completed.

ARTICLE 334. (OBJECTIVES OF SOCIAL REINTEGRATION CENTERS). These centers shall implement, in coordination with the Departmental Technical Bodies for Social Policy, programs aimed at adolescents with criminal responsibility in order to achieve the following objectives:

- a) Develop the center's general educational project and individualized educational plans, as well as guide their incorporation into formal or alternative education;
- b) Carry out educational, occupational, therapeutic, recreational, cultural, and leisure activities, both individual and group activities; and
- c) Provide medical, psychological, dental, and pharmaceutical care, as well as necessary and adequate clothing and food;

ARTICLE 335. (INTERDISCIPLINARY TEAM). The centers shall have a specialized interdisciplinary team for the comprehensive care and assistance of adolescents in the criminal justice system, which shall be responsible for preparing quarterly reports on the results of the intervention processes, the development of their individual plans, and periodic reports and recommendations on the fulfillment of objectives.

ARTICLE 336. (ADMINISTRATION AND SECURITY OF THE CENTERS). The internal administration and security of the guidance and social reintegration centers will be the exclusive responsibility of specialized civilian personnel. External security will be the responsibility of the Bolivian Police.

ARTICLE 337. (REGISTRATION).

- I. A mandatory personal registry and file shall be created for the admission and release of adolescents in the penal system, in order to facilitate specialized treatment for social reintegration.

- II. Once the adolescent has been admitted to the Penal System at the social reintegration center, he or she shall undergo the appropriate examinations, care, and medical assistance.
- III. The departure from the specialized center must be adequately prepared during the execution of the measure, with the assistance of specialists.

ARTICLE 338. (DISCIPLINARY REGIME).

- I. The director of the specialized center may order the application of control and disciplinary measures established by specific regulations, recording the report of the offense and the fulfillment of its sanction in the individual file.
- II. Specialized centers where custodial measures are enforced must have internal regulations that respect the rights and guarantees recognized in this Code and cover, at a minimum, the following aspects:
 - a) The regime to which the adolescent will be subject within the facility, with express mention of their rights and duties;
 - b) Strict regulations on the sanctions that may be imposed on the adolescent during the enforcement of the measure. Under no circumstances may cruel, inhuman, or degrading disciplinary measures be applied, including corporal punishment and confinement in dark or unsanitary cells. The reduction of food, the denial of contact with family members, and collective sanctions must be prohibited, and adolescents may not be disciplined twice for the same offense;
 - c) An emergency regime for cases of riot or violent conflict. The use of coercive measures, whether individual or collective, shall be limited to cases where it is strictly necessary; and
 - d) The procedure to be followed for the imposition of disciplinary sanctions.

ARTICLE 339. (GENDER SEGREGATION). Adolescent girls shall serve restrictive and custodial sentences in facilities separate from those for adolescent boys, and shall be subject to a differentiated regime.

SECTION IV IMPLEMENTATION OF SOCIO-EDUCATIONAL MEASURES

ARTICLE 340. (OBJECTIVE). The implementation of measures is intended to achieve the full development of the adolescent's abilities, as well as adequate coexistence with their family and family environment.

ARTICLE 341. (RIGHTS IN THE IMPLEMENTATION OF MEASURES). During the implementation of the measures, the adolescent has the following rights, without prejudice to any others that may be in his or her favor:

- a) To be treated with dignity and humanity;
- b) To receive information about the program in which he or she is participating, as well as about his or her rights in relation to the persons and officials who have him or her under their responsibility;
- c) To receive health, social, and educational services appropriate to their age and needs, provided by persons with appropriate professional training;
- d) To communicate confidentially with their lawyer and with the judge;
- e) To submit petitions to any authority and be guaranteed a response;
- f) To communicate freely with their parents, guardians, or tutors; and
- g) To have their family informed about their rights and about the situation and rights of the adolescent.

ARTICLE 342. (RIGHTS OF ADOLESCENTS DEPRIVED OF THEIR LIBERTY).

In addition to the provisions of the previous article, adolescents deprived of liberty have the following rights:

- a) To remain hospitalized in the same locality or in the locality closest to the home of their mother, father, guardian, or tutor;
- b) That the place of detention meets hygiene, safety, and health requirements; has access to essential public services; and is suitable for their comprehensive education;
- c) To be examined by a doctor immediately after admission to the facility in order to check for previous violations of their personal integrity and to verify any physical or psychological condition that requires treatment;
- d) To be kept, in any case, separate from adults convicted under criminal law;
- e) To participate actively and fully in the development of their individual plan for the execution of the measure;

- f) To receive information about the internal rules of the institution, especially about the disciplinary measures that may be applied to them and the procedures for imposing and enforcing them;
- g) To challenge disciplinary measures adopted by the authorities of the institution;
- h) Not to be arbitrarily transferred from the institution where the measure is being served. Transfer may only be carried out by written order of the judge;
- i) Not to be held incommunicado or subjected to corporal punishment under any circumstances;
- j) Not to be subjected to solitary confinement, except when strictly necessary to prevent acts of violence against themselves or others;
- k) To participate in all educational, training, recreational, and cultural activities that contribute to the development of their abilities and promote their social reintegration. The adolescent may not be denied participation in such activities on disciplinary grounds;
- l) To keep their personal belongings and have a safe place to store them; and
- m) To be informed about the means of communication with the outside world; to correspond with their family and friends; to receive visits at least once a week and to have access to information from the media.

ARTICLE 343. (DUTIES OF ADOLESCENTS SUBJECT TO MEASURES

OF LIBERTY). Adolescents deprived of liberty have the duty to know and comply with the rules of the center where they are located and to comply with the provisions of their individual plan.

ARTICLE 344. (INDIVIDUAL PLAN FOR THE IMPLEMENTATION OF MEASURES).

- I. The implementation of socio-educational measures will be carried out through the development of an individualized plan for each adolescent. The plan, formulated by the interdisciplinary team of the Departmental Technical Office for Social Policy, with the participation of the adolescent, will be based on the study of the factors and deficiencies that influenced their behavior and will establish specific goals, appropriate strategies, and deadlines for their fulfillment.
- II. The plan must be ready no later than thirty (30) days after the sentence has been duly enforced.

ARTICLE 345. (COMING OF AGE DURING EXECUTION). If during the execution of the socio-educational measure in deprivation of liberty, the person reaches eighteen (18) years of age, the interdisciplinary team at the social reintegration center will assess the situation and compliance with the individual plan for the execution of the measure, and may recommend to the judge that the young person remain in the center with periodic assessments, in an environment separate from other adolescents, or be transferred to a prison separate from adults.

SECTION V CONTROL OF MEASURES

ARTICLE 346. (POWERS). The judge, in exercising his or her authority to monitor the implementation of socio-educational measures imposed on the adolescent, shall have the following powers:

- a) To ensure that the measures are complied with, in accordance with the provisions of the sentence ordering them;
- b) Ensure that the rights of the adolescent are not violated during the enforcement of the measures, especially in the case of measures involving deprivation of liberty;
- c) To carry out periodic inspections of specialized centers to supervise the social and legal situation and conditions of adolescents;
- d) Ensure strict compliance with the individual plan for implementing measures; and
- e) Review and evaluate the measures every six months, modifying or replacing them if they do not meet the objectives for which they were imposed, or if they are contrary to the adolescent's development process.

ARTICLE 347. (MODIFICATION AND REPLACEMENT OF THE MEASURE). For the modification or replacement of the socio-educational measure, the judge shall take into account the following:

- I. When an adolescent with criminal responsibility has repeatedly and unjustifiably failed to comply with the socio-educational measure imposed, the judge shall extend its execution to the maximum legal limit and order its replacement with another measure that is stricter in terms of discipline.
- II. In cases where the socio-educational measure imposed is deprivation of liberty, and provided that the crime committed by the adolescent is not serious, their conduct warrants it, and in accordance with the fulfillment of their individual plan, the judge may order, after a hearing attended by the adolescent with criminal responsibility, their mother, father, guardian, tutor, defense attorney, and the representative of the center in charge of enforcement, that the last year of the closed regime be served in a semi-open regime or under supervised release

, according to the psychosocial evaluation report of the case, taking into account the recommendation of the interdisciplinary team.

- III. In the above case, the measure providing for assisted liberty or the semi-open regime shall continue to be monitored by the educator and the interdisciplinary team that accompanied the deprivation of liberty.
- IV. In cases where the crime committed by the adolescent was extremely serious, the powers to suspend or substitute the measure may only be exercised when at least half of the time of the imposed regime has elapsed.

SECTION VI CLASSIFICATION AND COMPENSATION FOR DAMAGES

ARTICLE 348. (PROCEDURE).

- I. Once the sentence imposing the socio-educational measure has been enforced, the victim or the prosecutor may request the judge who issued it to order reparation for the damage caused or the corresponding compensation.
- II. The victim, even if they have not participated in the proceedings, may bring a civil action within three (3) months of being notified of the final judgment; otherwise, the right to do so shall be extinguished.
- III. The claim must be processed in strict compliance with the common procedure established by Articles 209 et seq. of this Code.

ADDITIONAL PROVISIONS

FIRST. The Chambers, Specialized Courts, and Judges of other matters, such as family, civil, labor, and criminal matters, in proceedings involving children and adolescents, shall give preferential application to the principles established by this Code.

SECOND.

- I. Articles 5 and 173 are amended, and Article 258 of the Criminal Code, Decree Law No. 10426 of August 23, 1972, elevated to the status of law and amended by Law No. 1768 of March 10, 1997, is replaced with the following text:

"Article 5. (REGARDING PERSONS). Criminal law does not recognize any personal jurisdiction or privilege, but its provisions shall apply to persons who, at the time of the act, were over fourteen (14) years of age. The criminal responsibility of adolescents aged fourteen (14) and under eighteen (18) shall be subject to the special regime established by the Code for Children and Adolescents."

Article 173 (PREVARICATION). Any judge who, in the exercise of his or her functions, issues rulings that are manifestly contrary to the law shall be punished with imprisonment for five (5) to ten (10) years.

If, as a result of malfeasance in criminal proceedings, an innocent person is convicted, a more severe penalty than is justified is imposed, or preventive detention is unlawfully applied, the penalty shall be increased by one-third of that established in the preceding paragraph.

Arbitrators or amicable composers or anyone performing similar decision-making or resolution functions who commit this crime shall be punished with imprisonment for three (3) to eight (8) years.

If economic damage is caused to the State, the penalty shall be increased by one-third.

The penalty shall be increased by two-thirds in the cases described above when children or adolescents are involved, in accordance with current legislation.

Article 258. (INFANTICIDE). Anyone who kills a child from birth to twelve (12) years of age shall be punished with thirty (30) years' imprisonment, without the right to pardon, when:

1. The act has been committed in a situation of vulnerability of the child simply because of being a child;
2. The child has been the victim of physical, psychological, or sexual violence prior to death by the same aggressor;
3. The child has been the victim of a crime against individual liberty or sexual freedom prior to death at the hands of the same perpetrator;
4. The death is related to the crime of human trafficking;
5. The death is the result of rituals, group challenges, or cultural practices by the same perpetrator;
6. The child was a victim of family or domestic violence prior to death at the hands of the same perpetrator;
7. There is a history of abandonment of the child by the same perpetrator;
8. The child has been the victim of threats within the family prior to the death by the same aggressor; and
9. The child has been the victim of harassment or hatred within the family prior to the death by the same aggressor.

- II. Article 85 of the Code of Criminal Procedure, Law No. 1970, of March 25, 1999, is amended to read as follows:

"Article 85. (ADOLESCENTS IN THE CRIMINAL JUSTICE SYSTEM). If the accused is under eighteen (18) years of age, their prosecution shall be subject to the Criminal Justice System for adolescents established in the Code for Children and Adolescents."

- III. Article 58 of the General Labor Law is amended to read as follows:

"Article 58. The employment of minors under fourteen (14) years of age of either sex is prohibited, except in the case of apprentices and the exceptions established by the Code for Children and Adolescents. Minors under eighteen (18) years of age may not be hired for work that exceeds their strength or that may delay their normal physical development."

- IV. The First Transitional Provision (FULL EFFECT) of the Code of Civil Procedure, Law No. 439 of November 19, 2013, is amended to read as follows:

FIRST. (FULL EFFECT). This Code shall enter into full effect on August 6, 2015, and shall be applicable to proceedings filed on or after that date, except as provided in the following provisions.

THIRD.

- I. The Ministry of Labor, Employment, and Social Security, the Ministry of Justice, and the Ministry of Development Planning are responsible for developing and establishing, in a participatory manner with all levels of government, the Prevention and Social Protection Program for Children and Adolescents under the age of fourteen (14) who are engaged in labor, in order to generate a national policy of eradication and protection.
- II. The Program referred to in the preceding paragraph shall include, in addition to other strategic initiatives, mechanisms aimed at promoting the completion of compulsory schooling; training, awareness-raising, and other measures for families, caregivers, or guardians, in cases where the cause of employment and work is extreme poverty. The granting of the aforementioned benefits shall be subject to regulations, respecting at all times compliance with the provisions of this Code on the prohibition of work by children and adolescents under fourteen (14) years of age, and the exercise of their right to education and other rights established in favor of this population.
- III. The Autonomous Departmental Governments and the Autonomous Municipal Governments shall participate in the implementation of the Prevention and Social Protection Program for

Children and Adolescents under the age of fourteen (14) in employment, for which they shall provide for the corresponding allocation of resources in their respective Annual Operational Plans (POAs).

- IV.** The preparation stage of the Program shall include, in coordination with the National Institute of Statistics (INE), a national survey to identify the number of children and adolescents under the age of fourteen (14) who are engaged in labor or work, and the factors that influence this work. Based on this data, an assessment will be made to identify the responsibilities of the State, family, society, cooperation, private entities, beneficiary groups, and a pilot plan with the methodology for eradicating the causes of work by children and adolescents under fourteen (14) years of age.
- V.** This program must be designed within two (2) years of the publication of this Code and implemented within the following three (3) years.
- VI.** Until such time as an eradication and protection policy is designed and implemented, the same provisions contained in this Code for the protection of working adolescents over fourteen (14) years of age shall apply to children and adolescents under fourteen (14) years of age.

FOURTH.

- I.** In order to comply with the "Comprehensive Program to Combat Sexual Violence against Children and Adolescents," the following measures shall be implemented and executed:
 - a)** The Ministry of Government, in coordination with the General Directorate of the Penitentiary System, shall create a national registry system with the list of persons with final convictions for crimes against the sexual freedom of children or adolescents.
 - b)** The registry referred to in the preceding paragraph shall be publicly accessible for prevention purposes and shall identify the person and their details, including their photograph, and shall be updated periodically.
 - c)** The State shall implement multidisciplinary teams for mandatory psychological or psychiatric monitoring and treatment, as security measures, for the care of persons with final convictions for crimes against the sexual freedom of children or adolescents who have served their sentences. These teams shall submit periodic reports to the Office of the Ombudsman for Children and Adolescents and shall provide the necessary documentation on their evaluations and treatments to the competent authority that so requires.
- II.** The Ministry of Government and the General Directorate of the Penitentiary System shall have a period of three hundred and sixty-five (365) days from the entry into force of this Code.

FIFTH. The Ministry of Economy and Public Finance shall create specific and sufficient program categories for compliance with this Code.

TRANSITIONAL PROVISIONS

FIRST.

- I.** In accordance with the powers established in Article 183, Paragraph III, Subsection 5, of Law No. 025, Law of the Judiciary, of June 24, 2010, the Council of the Magistracy, after study, shall create in each department, considering the procedural workload and needs, Public Courts for Children and Adolescents. This study shall be carried out within one hundred and twenty (120) days from the date of entry into force of this Code.
- II.** Within one hundred and eighty (180) days of the entry into force of this Code, the Plurinational School for Judges shall implement permanent and specialized courses in gender studies, generational studies, studies on children and adolescents, specialized criminal justice for adolescents with a focus on restorative justice, and a culture of peace. All judges in the area of Children and Adolescents are required to update their knowledge in these subjects within three hundred sixty-five (365) days of the implementation of the courses.

SECOND. The Ministry of Justice, within a period not exceeding forty-five (45) days from the entry into force of this Code, shall convene the Sectoral and Intersectoral Coordination Council for issues relating to children and adolescents, with the aim of organizing, defining, and leading the process of implementing this Code through the development of a plan that shall include, as a mandatory requirement, the training of public servants involved in guaranteeing the rights of children and adolescents.

THIRD. Within a period not exceeding three hundred and sixty-five (365) days from the entry into force of this Code, the National Institute of Statistics (INE) shall conduct a National Census of Children and Adolescents Living on the Streets. Within the same period, the departmental social management authorities shall identify all public and private institutions that currently have programs and services aimed at this population, with the aim of creating a specific protection policy for this sector of children and adolescents.

FOURTH. Within three hundred and sixty-five (365) days of the entry into force of this Code, the Autonomous Departmental Governments shall create specialized centers for the enforcement of socio-educational, restrictive, and custodial measures, as well as the implementation of programs and services for the enforcement of socio-educational measures outside of custody, and for the implementation of restorative justice mechanisms.

FIFTH. Within a period not exceeding six (6) months from the entry into force of this Code, the Supreme Court of Justice shall, in conjunction with the Ministry of Justice, draw up protocols for the participation of children and adolescents in judicial proceedings and for the intervention of the Interdisciplinary Professional Team.

SIXTH.

- I. Proceedings in progress, initiated in accordance with Law No. 2026, Code on Children and Adolescents, of October 27, 1999, shall continue in accordance with the procedure established in that law until their conclusion with the judicial authority with which the proceedings were initiated.
- II. Proceedings against adolescents conducted under Law No. 1970, Code of Criminal Procedure, of March 25, 1999, shall be subject to the provisions of the aforementioned law, except for those relating to precautionary measures and the regime of socio-educational measures, which shall be subject to the provisions of this Code.

SEVENTH. The Ministry of Foreign Affairs shall, within a period not exceeding one (1) year from the entry into force of this Code, sign bilateral agreements and framework cooperation agreements on international adoptions.

EIGHTH. The Ministry of Education shall, within a period not exceeding 180 calendar days from the entry into force of this Code, design and implement all policies, programs, and plans for peaceful and harmonious coexistence, under the guidelines established in Articles 150, 151, and 152 of this Code, on protection against violence in the education system.

NINTH. While the Plurinational Public Defense Service Law is being implemented, the Office of the Ombudsman for Children and Adolescents shall assume the technical defense of adolescents in the criminal justice system, in accordance with the provisions of Article 274 of this Code.

TENTH. The Departmental Technical Bodies for Social Policy shall, within a period not exceeding three (3) months from the entry into force of this Code, implement specialized technical services for the ongoing preparation of prospective adoptive parents, who may access these services without the need for judicial authorization.

ELEVENTH. The State at the central level, in joint responsibility with the Autonomous Governments, shall, as of the effective date of this Code:

- a) Within a period not exceeding five (5) years, eradicate the causes of child labor through the implementation of specific programs at the national, departmental, and municipal levels. In 2019, the National Institute of Statistics (INE) shall conduct a national survey of children and adolescents, evaluating the progress of policies and programs aimed at this population.

- b)** Within a period not exceeding six (6) months, implement prevention, intervention, and care programs for street children and adolescents in order to restore their rights;
- c)** Within a period not exceeding three (3) months, design and implement specific programs to prevent children and adolescents from joining gangs for illicit purposes.

TWELFTH. Within a period not exceeding six (6) months from the entry into force of this Code, the governing body shall design and coordinate with the Ministry of Health, the Ministry of Government, the Public Prosecutor's Office, the Judiciary, and the Penitentiary System the implementation of programs for the prevention, care, and protection of children and adolescents against sexual violence.

THIRTEENTH. Within a period not exceeding three (3) months from the entry into force of this Code, the Departmental Technical Bodies for Social Policy shall design and implement quality services with specialized curricula for children and adolescents with disabilities and mental illnesses, ensuring them a dignified life.

REPEAL AND REPEAL PROVISIONS

REPEAL PROVISION. The following regulatory provisions are repealed upon the full entry into force of this Code:

- a)** Law No. 2026, Code on Children and Adolescents, of October 26, 1999;
- b)** Supreme Decree No. 26086, Regulations of the Code on Children and Adolescents, of February 23, 2001;
- c)** Supreme Decree No. 24447, of December 20, 1996; and
- d)** All provisions contrary to this Code.

REPEAL PROVISION. The following regulatory provisions are repealed upon the full entry into force of this Code:

- a)** Article 389 of the Code of Criminal Procedure;
- b)** Paragraph 6 of Article 70 of Law No. 025, Law on the Judiciary, of June 24, 2010, regarding suspension, restoration of parental authority, revocation, and annulment of adoption; other contentious cases remain in relation to adults;

- c) Article 26 of Law No. 2298, Law on Criminal Enforcement and Supervision, of December 20, 2001; and
- d) All provisions contrary to this Code.

FINAL PROVISIONS

FIRST. This Code shall be regulated by Supreme Decree within ninety (90) days of its entry into force.

SECOND. This Code shall enter into force on August 6, 2014. Refer to the

Executive Branch for constitutional purposes.

Issued in the Chamber of the Plurinational Legislative Assembly, on the second day of July two thousand fourteen.

Signed: Eugenio Rojas Apaza, Marcelo William Elío Chávez, Efraín Condori López, Roxana Camargo Fernández, Nelson Virreira Meneses, Ángel David Cortés Villegas.

Therefore, I hereby enact it to be observed and enforced as a law of the Plurinational State of Bolivia.

Government Palace of the city of La Paz, on the seventeenth day of July of the year two thousand fourteen.

SIGNED: ÁLVARO GARCÍA LINERA, David Choquehuanca Céspedes, Juan Ramón Quintana Taborga
MINISTER OF THE PRESIDENCY AND INTERIM MINISTER OF DEVELOPMENT PLANNING, Jorge Pérez Valenzuela, Elizabeth Sandra Gutiérrez Salazar, Daniel Santalla Torrez, Juan Carlos Calvimontes Camargo, Roberto Iván Aguilar Gómez, Nemesia Achacollo Tola, MINISTER OF RURAL DEVELOPMENT AND LAND AND INTERIM MINISTER OF ECONOMY AND PUBLIC FINANCE, Claudia Stacy Peña Claros,
Amanda Dávila Torres, Tito Rolando Montaña Rivera.



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