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CODE OF CHILDHOOD AND ADOLESCENCE

SC **CONGRESS** OF **THE NATION OF PARAGUAY** s **wcio‹v** corv muse oc

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GENERAL PROVISIONS

Article 1 " .- PURPOSE OF THIS CODE.

'. This Code establishes and regulates the rights, guarantees and duties of children and adolescents, in accordance with the provisions of the National Constitution, the Convention on the Rights of the Child, the international instruments on the protection of human rights approved and ratified by the State, and the laws.

Article 2 ".- ON THE PRESUMPTION OF MINORITY, ADOLESCENCE ADULTHOOD.

Ei i a• o úe ú uJ a subre la ed a d de una p er s ona, se presumirá cü c.to c'g e:

a) between a child and an adolescent, the status of a child; and

h) between an adolescent and an adult, the adolescent's status as an adolescent.

An adult shall be defined as a person who has reached the age of eighteen and has not yet reached the age of majority.

Article 3. THE PRINCIPLE OF THE BEST INTERESTS OF THE CHILD.

Any measure taken with respect to a child or adolescent shall be based on their best interests. This principle es tara diriqido a asegur ar el desar rollo integi al del niño o a dolescen te, así como el ejercicio y dis frute pleno cle sus derechos y garantías.

To determine el inter és super ior o pr e v aleciente se r espetar an sus vír cr›los f amiliares, su educación y su orig en étni‹:o, religioso, cultur al y lingüístico. Se a tender á adem as la opinión del mismo, el equilibrio entre sus derechos y deberes, así com o su condición de persona en de s arroll o.

Article 4 O . SUBSIDIARY RESPONSIBILITY A.

Biological and adoptive parents, or those who have children or adolescents under their guardianship or custody, and other persons mentioned in Article 258 of the Civil Code, • have the obligation to guarantee the child or adolescent's harmonious and integral development, and to protect them against abandonment abandonment, malnutrition malnutrition, violence violence, abuse abuse and the exploitation.

When this obligation is not is fulfilled, the State is obliged to comply with it * subsidiary .

Any person person may request a the competent competent to requires a the principal obligations and the State to fulfil their obligations.

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**Article 5º .- OF THE OBLIGATION TO REPORT.**

Any person who becomes aware of a violation of the rights and guarantees of a child or adolescent must immediately report it to the Municipal Council by Niño ( Child), Niña and Adolescents (CODENI) or, failing that, to the Public Prosecutor's Office or the Public Defender.

The duty to report falls particularly on persons who, in their capacity as health workers, educators, teachers or professionals in other fields, perform tasks related to the care, education or supervision of children or adolescents.

Upon receiving the information, the Municipal Councillor for the Rights of Children and Adolescents (CODENI), the Public Prosecutor's Office and the Public Defender's Office shall take the appropriate measures within their jurisdiction.

Article (6). DE THE PROMOTION AND DISSEMINATION OF THE RIGHTS OF CHILD 0 ADOLESCENT.

Health and educational institutions shall display in public and visible places information concerning persons or institutions to which children, their parents, guardians or carers may turn in the cases mentioned above.

**Article** 7 º .- **EXERCISE OF RIGHTS.**

The exercise of rights and the effectiveness of the guarantees enshrined in this Code shall be carried out through the specialised justice system established in this Code.

**Article 8.- THE RIGHT TO FAMILY.**

Children and adolescents have the right to live and develop within their families, and in the event of a lack or insufficiency of material resources on the part of their relatives, they have the right to receive support from the State.

It is prohibited to separate children or adolescents from their family group, or to order the suspension or loss of parental authority on the grounds of lack or insufficiency of resources.

BOOK I

**RIGHTS AND DUTIES SINGLE TITLE**

CHAPTER I

ON THE OBLIGATIONS OF THE STATE AND INDIVIDUALS

**Article 9**. **PROTECTION OF THE UNBORN.**

The protection of unborn persons is exercised through care for pregnant women from conception until forty-five days after delivery.

The following persons shall be obliged to provide such care:

- by the parent and, in the absence of the parent, by those persons for whom those for whom this Code establishes subsidiary responsibility.

Article 10.- STATE LIABILITY.

The the responsibility of the State:

a) attend to the pregnant pregnant insolvent, a the whom will provide with accommodation, food and necessary medicines;

b) to care for indigenous pregnant women, with the utmost respect for their culture;

c) develop plans for specialised for for the protection of pregnant pregnant adolescents; and

d) promoting breastfeeding.

Pregnant women shall be subject to the assistance measures established in this article, even if the child is stillborn or dies during the neonatal period.

**Article 11.- THE OBLIGATION OF MEDICAL CARE.**

Any pregnant woman who requires urgent medical attention shall be treated at the nearest health institution to her location.

The insolvency of the applicant or the lack of beds or other resources at the requested institution may not be invoked by the health institution to refer or reject a pregnant woman in labour or requiring urgent medical attention, without first

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eceiving initial emergency treatment.

Insolvency and the urgency of the case shall not imply discrimination in terms of care and assistance in relation to other patients.

**Article 1 Z.- PROHIBITION ON RETAINING THE NEWBORN.**

Under no circumstances and for no reason may non-payment for medical services justify the retention of the child or mother in the hospital where the birth took place.

**Article 13.- THE RIGHT TO HEALTH.**

Children and adolescents have the right to physical and mental health care, to receive necessary medical assistance, and to have equal access to services and measures for health promotion, information, protection, early diagnosis, timely treatment, and recovery.

If the child or adolescent belongs to an ethnic group or indigenous community, the medical and health practices and customs in force in their community shall be respected, as long a y do not constitute a danger to their life and physical and mental integrity or that of third parties.

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En the situ acio nes of emergency situations, the doctors areobliged to provide the necessary professional assistance necessary, which cannot be denied or evaded for any reason.

**Article 14.- THE RIGHT TO SEXUAL AND REPRODUCTIVE HEALTH.**

The State, with the active participation of society and especially parents and family members, shall guarantee comprehensive sexual health and education services and programmes for children and adolescents , who have the right to be informed and educated about accordance with their development, culture and family values.

Services and programmes for adolescents must take into account professional secrecy, free consent and the comprehensive development of their personality, respecting the rights and obligations of parents or guardians.

**Article 15.- PUBLIC HEALTH PROGRAMMES.**

The State shall provide free medical and dental care, medicines, prostheses and other items necessary for the treatment, habilitation or rehabilitation of children and adolescents with limited financial resources.

**Article 16.- RIGHT TO PROTECTION RIGHT TO PROTECTION AGAINST HARMFUL HARMFUL SUBSTANCES, TOBACCO AND ALCOHOLIC BEVERAGES.**

The State shall implement permanent programmes for the prevention of illicit use of tobacco, alcoholic beverages and narcotic or psychotropic substances. It shall also implement programmes aimed at the recovery of children or adolescents who are dependent on these substances.

Article 17.- SURGICAL INTERVENTION IN THE EVENT OF DANGER OF DEATH.

Public or private health institutions shall require the corresponding authorisation from parents, guardians or those responsible when they must hospitalise, perform surgery or apply the necessary treatments to preserve the life or integrity of the child or adolescent.

In the event of opposition by the father, mother, guardians or responsible parties for cultural or religious reasons, or in their absence, the medical professional shall require judicial authorisation.

Exceptionally, when a child or adolescent must undergo emergency surgery because they are in danger of death, the medical professional shall be obliged to proceed as science dictates, and must immediately communicate this decision to the Juvenile Court Judge.

**Article 18.- THE RIGHT TO IDENTITY.**

Thechild and the adolescent have the right to the nationality in Paraguay under the conditions established in the Constitution and in the Law. They also have the right to a • name to be registered in the respective registers, to know and remain with their *parents, and to bring before the courts any investigations into their origins that they deem necessary.

**Article 19.- DE THE OBLIGATION TO REGISTER BIRTHS.**

The State *will keep the identity of the ~~o y d~~the adolescent.

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Public or private health institutions, in accordance with the provisions of the Health Code, shall be required to keep a register of live births +› ‹ if the mother's fingerprint and the newborn's palm print are recorded, in addition to the information corresponding to the nature of the document. A copy of this record shall be issued free of charge for the purposes of registration in the Civil Registry, and another copy shall be sent to the respective health authorities.

The State shall provide the mother with the first copy of the Birth Certificate free of charge.

**Article 20.- THE RIGHT TO EDUCATION.**

Children and adolescents have the right to an education that guarantees their harmonious and comprehensive development as individuals and prepares them for the exercise of citizenship.

**Article 21.- THE EDUCATION SYSTEM.**

The education system shall guarantee children and adolescents, in accordance with the provisions of the General Education Act:

a) the right to be respected by their educators;

b) the right to organise and participate in student organisations;

c) the promotion and dissemination of their rights;

d) access to free public schools close to their place of residence; and

e) respect for their dignity.

**Article 22.- SPECIAL EDUCATIONAL NEEDS.**

Children and adolescents with physical, sensory, intellectual or emotional disabilities have the right to receive adequate, immediate and continuous care and attention, including early stimulation and specialised educational treatment, aimed at their rehabilitation and social and occupational integration, enabling them to fend for themselves and participate in the life of their community in conditions of dignity and equality.

Under no circumstances shall discrimination or social isolation of those affected be permitted.

**Article 23.- MANDATORY CARE AND REHABILITATION.** “ „

It is the obligation of the father, mother, guardian, or person responsible for the child or adolescent with special needs to accompany them as many times as necessary to the authorised institutions art to provide them with adequate care and rehabilitation services.

Any person who is aware of the existence of a child or adolescent with special needs who is not receiving treatment must report this to the competent authorities.

**Article 24.- THE RIGHT TO CULTURE** AND **SPORT.**

The Central Administration and departmental and municipal governments shall allocate economic resources and physical spaces for cultural, sports and recreational programmes aimed at children and adolescents.

Article 25.- THE RIGHT OF CHILDREN AND ADOLESCENTS TO BE **PROTECTED AGAINST ALL FORMS OF EXPLOITATION.**

Children and adolescents have the right to be protected against all forms of exploitation and against performing any activity that may be dangerous or interfere with their education, or be harmful to their health or their physical and integral development.

**Article 26.- THE RIGHT TO PETITION.**

Children and adolescents have the right to submit and address petitions on their own behalf to any public entity or official regarding matters within their competence
and to receive a timely response.

**Article 27.- CONFIDENTIALITY OF PROCEEDINGS.**

Authorities and officials involved in the investigation and decision-making of judicial or administrative matters relating to children or adolescents are obliged to maintain secrecy regarding the cases in which they are involved and which they are aware of, which shall always be considered strictly confidential and private. Violation of this rule shall be punished in accordance with criminal law.

**Article 28.- EXCEPTIONS TO CONFIDENTIALITY.**

The child or adolescent, their parents, guardians, legal representatives, defenders, as well as duly accredited institutions conducting research for scientific purposes and those who demonstrate a legitimate interest, shall have access to the proceedings and files relating to the child or adolescent, with their identity being protected where appropriate.

**Article 29.- PROHIBITION OF PUBLICATION.**

It is prohibited to publish in the press, on the radio, on television or in any other media the names, photographs or information that could identify a child or adolescent who is the victim or alleged perpetrator of a criminal offence. Those who violate this prohibition shall be punished in accordance with the provisions of criminal law.

**Article 30.- DUTIES** OF **CHILDREN** OR ADOLESCENTS.

Children and adolescents shall respect, in accordance with their level of development, the laws and the natural environment, as well as the ecological conditions of the environment in which they live. In addition, they have the obligation to obey their father, mother, guardian or person responsible for them, and to provide community assistance under the conditions established by law.

## CHAPTER II
## PREVENTION OF VIOLATIONS OF RIGHTS AND MEASURES FOR THE PROTECTION OF CHILDREN AND ADOLESCENTS

**Article 31.- DE THE PROHIBITION OF USE CHILDREN CHILDREN OR TEENAGER IN THE SEX TRADE.**

The use of children or adolescents in commercial sex activities and in the creation, production or distribution of pornographic publications is prohibited·

It is also prohibited also prohibited to give or tolerate access of children and young people to the display of pornographic publications or shows.

Consideration of the circumstances prohibited by this article shall be based on the provided by the Article 4 paragraph 3 of the Criminal, and its classification and punishment in accordance with the respective chapter of the special section of the same legal body.

**Article 32.- ARTICLES PROHIBITED FROM SALE.**

The sale or supply to children or adolescents of the following is prohibited:

a) weapons, ammunition and explosives;

b) alcoholic beverages, tobacco and other products whose components may cause physical or psychological dependence, even when used improperly;

c) fireworks or firecrackers;

d) pornographic magazines and materials;

e) video games classified as harmful to their overall development; and

f) unfiltered or unrestricted internet access.

This must be protected by security mechanisms controlled by the Municipal Council for the Rights of Children and Adolescents (CODENI).

Article 33.- OF RESTRICTIONS RESTRICTIONS FOR HOMES HOUSES **GAMBLINGGAMBLING AND PREMISES SUITABLE** FOR CHILDREN OR **ADOLESCENTS.** “ ”

Children and adolescents are prohibited from entering gambling establishments.

The screening of videos that incite acts classified as punishable offences in the Criminal Code is prohibited in premises intended for children or adolescents.

The Municipal Council for the Rights of Children and Adolescents (CODENI) shall establish a classification system for the premises affected by this article and shall exercise the respective control for this purpose.

Article 34.- PROTECTION AND SUPPORT MEASURES.

When a child or adolescent finds themselves in situations that indicate a need for protection or support, the following protective measures shall be applied:

a) Warning to the father, mother, guardian or guardian;

b) guidance for the child or adolescent and their family group;

c) temporary support for the child or adolescent and their family group;

d) the incorporation of the child into an educational establishment basic education and compulsory attendance;

e) medical and psychological treatment;

f) in case of emergency, material provision for the support of the child or adolescent;

g) shelter;

h) placement of the child or adolescent in a foster family; and

i) the placement of the child or adolescent in a home.

The protection and support measures outlined in this article may be ordered separately or jointly. Furthermore, they may be changed or replaced if the welfare of the child or adolescent so requires.

Protection and support measures shall be ordered by the Municipal Council for the Rights of Children and Adolescents (CODENI). In the case of a measure referred to in paragraphs g) to i) of this article, the order shall require judicial authorisation.

**Article 35. SHELTER.**

The measure consists of placing the child or adolescent in an institution designed for their protection and care. The measure is exceptional and temporary, and is ordered only when it is intended and necessary to prepare for the application of a measure specified in Article 35, subsections h) and i) of this Code.

Article **36.-** PROTECTION AND PROMOTION **INSTITUTIONS**.

The measures outlined in Article 34, sections g) to i), shall be carried out in institutions that are suitable for providing children and adolescents with the appropriate care for their protection and advancement.

Such entities shall register with the National of Children and in as soon as they have any connection with the adoption, also at the Adoption Centre.

BOOK II
**ON POLICIES** FOR THE PROTECTION AND PROMOTION OF THE RIGHTS OF CHILDREN AND ADOLESCENTS

TITLE I
OF THE NATIONAL SYSTEM FOR THE PROTECTION AND PROMOTION OF CHILDREN'S RIGHTS

CHAPTER I
GENERAL PROVISIONS

Article 37.- COMPREHENSIVE PROTECTION SYSTEM.

, the Sistema Nacional de Protección y Promoción Integral a la Niñez y AJu ¿ol-iüia, hereinafter referred to as "The System", is hereby created to prepare and supervise the implementation of national policy aimed at guaranteeing the full exercise of the rights of children and adolescents.

TheSystem will regulate and integrate theprogrammes and actions at national national, departmental and municipal levels.

**Article 38.- RESOURCES.**

The System shall be financed with resources provided for in the General Budget of the Nation and in the respective Departmental and Municipal Budgets.

**Article 39.- CREATION OF THE NATIONAL SECRETARIAT FOR CHILDREN AND ADOLESCENTS ADOLESCENCE.**

Establish the National National of the Children and the Adolescence, on onwards "The "-" Secretariat, with ministerial rank, reporting to the Executive Branch.

The National Secretariat for Children shall be headed by an Executive Secretary with proven experience in the field, who shall be appointed by the Executive Branch.

Article **40.- POWERS OF THE EXECUTIVE SECRETARY.**

The Executive Secretary shall have the following functions and powers:

a) presiding over the National Council for Children and Adolescents;

b) to contract, with the prior authorisation of the President of the Republic and, where appropriate, with the approval of both Houses of Congress, loans with national or foreign entities, in accordance with the formalities and limitations established in current legislation;

c) administer the assets and resources of the Secretariat, as well as those arising from agreements entered into by the Secretariat, applying them to the fulfilment of the specific programmes of said agreements;

d) hire and dismiss staff;

e) confer specific powers on officials of the Institution, within the framework of the Secretariat's purposes;

f) issue all resolutions necessary for the fulfilment of the Secretariat's purposes, with the power to establish the internal regulations necessary for its operation; and

g) prepare the preliminary draft of the Secretariat's annual budget.

Article 41.- FUNCTIONS OF THE SECRETARIAT.

The functions of the Secretariat are:

a) to comply with the policies developed by the System;

b) p onim plement the plans and programmes prepared by the Secretariat;

c) co Esta blish the National Council and promote the creation of departmentas and municipal councils for children and adolescents;

d) facilitate relations and coordination between the different councils that will make up the System;

e) manage national technical assistance and national, foreign and international institutions; and financial assistance

f) authorise, register and supervise the operation of shelter entities; and

g) register non-governmental organisations dedicated to issues affecting children and adolescents.

## CHAPTER II
## THE NATIONAL COUNCIL FOR CHILDREN AND ADOLESCENTS Article

**42.- OE ITS CONSTITUTION** AND **COMPOSITION.**

The National Council for Children and Adolescents, hereinafter referred to as "the National Council", shall be convened by the Executive Secretary and shall be composed of one representative from:

a) the National Secretariat for Children and Adolescents;

b! the Ministry of Public Health and Social Welfare;

c) the Ministry of Education and Culture;

d) non-governmental organisations of public benefit and non-profit organisations with national coverage;

e) the Ministry of Justice and Labour;

f) the Public Prosecutor's Office;

g) the Ministry of Public Defence; and

h) the Departmental Councils.

The members of the for the shall exercise of this function. shall not receive remuneration

The National Council shall establish its headquarters in the city of (Asunción).

Article 43.- TION OF ITS FUNCTIONS.

The National Council shall perform the following functions:

a) formulate policies for the promotion, care and protection of the rights of Children and Adolescents;

b) ap ›bar and supervise the specific plans and programmes drawn up bythe Secretary

c) dict*á internal regulations.

## CHAPTER III
## DEPARTMENTAL COUNCILS FOR CHILDREN AND ADOLESCENTS

**Article 44.- CONSTITUTION** AND **COMPOSITION.**

The Departmental Council for Children and Adolescents shall be composed in each Department of one representative from:

a) the Governor;

b) the departmental board;

c) the respective Departmental Secretaries of Health and Education;

d) non-governmental organisations of public benefit and non-profit organisations in the department that carry out actions aimed at the subjects of this Code;

e) children's organisations in the department; and

f) the Municipal Councils.

The members of the Departmental Council shall not receive any remuneration for the performance of this function and shall meet when convened by the Governor.

They shall establish their domicile in the capital of the department.

**Article 45.- ITS FUNCTIONS.**

The Departmental Council shall have the following functions:

a) approving the plans and programmes for the department and support their implementation;

b) support the municipalities of the Department in the implementation of the respective programmes; and

c) issue regulations.

## CHAPTER IV
## OF THE MUNICIPAL COUNCIL FOR CHILDREN AND ADOLESCENTS

**Article 46.- CONSTITUTION** AND **COMPOSITION.**

The Municipal Council for Children and Adolescents shall be composed in each municipality of one representative from:

a) the Mayor;

b) the municipal council;

c) non-governmental organisations non-governmental organisations of public benefit and non-profit organisations in the municipality that carry out actions aimed at the subjects of this Code;

d) neighbourhood committees or commissions for development in the municipality ;

e) children's organisations.

s integrate Council Municip I no shall receive remuneration for the exercise of this function and shall meet when convened by the Mayor.

They shall establish their residence within the municipality.

Article 47.- THEIR FUNCTIONS.

The Municipal Council for Children and Adolescents shall have the following functions:

a) focus its efforts primarily on developing programmes for direct care and the comprehensive promotion of the rights of children and adolescents in its municipality;

b) coordinate programmes and actions undertaken by public institutions and private institutions aimed at children and adolescents;

c) submit to the municipality the annual budget for the office's programmes aimed at children and adolescents; and

d) issue its internal regulations.

CHAPTER V
OF THE MUNICIPAL COUNCILS FOR THE RIGHTS OF CHILDREN AND ADOLESCENTS
ARTICLE 48.- PURPOSES.

Article 48.- PURPOSES.

It shall be incumbent upon to the Municipal Council Municipal for the Rights of Children, and and "-' Adolescent (CO DENI) to provide permanent and free services for the protection, promotion and defence of the rights of children and adolescents. It shall not have jurisdictional powers.

Article 49.- ITS COMPOSITION.

The Municipal Council for Children and Adolescents (CODENI) will be headed by a Director and will be composed of professionals such as lawyers, psychologists, social workers and other disciplines, as well as local people with a proven track record in providing services to their community.

Municipalities shall determine the creation of these offices according to their needs and the availability of human and material resources.

In municipalities where these offices are not established, the municipal government shall perform the functions set forth in Article 50, paragraphs c) and e), and Article 57 of this Code.

Article 50.- OF ITS POWERS.

The powers of the Municipal Council for the Rights of Children and Adolescents (CODENI) shall be as follows:

a) to intervene preventive measures on cases of threat transgression by the child or adolescent, provided that there is no judicial intervention, bri an alternative to conflict resolution conflict resolution;

•b) 1 provide specialised specialised to the family to prevent situations critical

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c) enable to public public and private dedicated to develop shelter programmes, and close them in justified cases;
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d) refer cases within their jurisdiction to the judicial authorities;

e) carry out a register of child and the adolescent who engage economic activities, in order to promote programmes for the protection and support of families;

f) support the implementation of alternatives to detention;

g) coordinate with the entities of training programmes programmes for adolescent workers; and

h) provide nursery, daycare and kindergarten services for the care of children whose parents work outside the home.

**Article 51.- REVIEW OF DECISIONS.**

The decisions of the Municipal Council for the Rights of Children and Adolescents (CODENI) referred to in subsection a) of the previous article may be reviewed by the judicial authority at the request of the parents, guardians or persons responsible for the child or adolescent.

The Judge for Children and Adolescents of the corresponding jurisdiction may " revoke the decisions of the Municipal Council Council by the Children's of Children and Adolescents (CODENI), relating to subsection c) of the previous article.

# TITLE
# ON THE PROTECTION OF WORKING ADOLESCENTS

## CHAPTER I
## GENERAL PROVISIONS Article 52.-

**SCOPE OF APPLICATION.**

This Chapter covers:

a) adolescents who are self-employed;

b) adolescents who are employed by others; and

c) children who perform unpaid family work.

Article 53.- GUARANTEES AT WORK.

The State grants working adolescents the following guarantees:

a) labour rights relating to health prevention;

b) individual rights to freedom, respect and dignity;

c) to undergo periodic medical examinations;

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d) access access and attendance to school school in compatible compatible with their interests and taking into account their local characteristics;

e) special working hours;

f) organisation and participation in workers' organisations;

g) protected work for adolescents with special needs, in accordance international and national standards; and

h) training. training through through of assistance to special special for job training and vocational guidance.

**Article 54.- PROHIBITED WORK.**

It is prohibited for adolescents to work, without prejudice to the provisions of the Labour Code:

a) in any underground or underwater location;

b) in other activities dangerous or harmful to their health physical, mental or moral health.

**Article 55.- REGISTRATION OF WORKERS.**

The Municipal Council for the Rights of Children and Adolescents (CODENI) shall keep a special register of adolescent workers.

**Article 56.- REGISTRATION DATA.**

The register shall contain the following data:

a) the adolescent's first and last names;

b) First and last name of your father, mother, guardian or guardians:

c) date and place of birth;

d) address and place of residence of the adolescent;

e) occupation;

f) remuneration;

g) working hours; and

h) school attended and class schedule.

The Municipal Council for the Rights of Children and Adolescents (CODENI) shall provide the working adolescent with a certificate containing the same information as the register.

**Article 57.- COMMUNICATION OF ADOLESCENT WORK.**

The Municipal Council for the Rights of Children and Adolescents (CODENI) shall provide the relevant regional labour authority with the data from the register of adolescent workers for the purpose of monitoring compliance with labour protection regulations.

## CHAPTER II
## ADOLESCENT WORKERS IN THE FOREIGN SERVICE

**Article 58.- WORKING HOURS.**

Adolescent workers who are between fourteen and sixteen years of age may not work more than four hours per day or twenty-four hours per week.

Working adolescents aged sixteen to eighteen may not work more than six hours per day or thirty-six hours per week.

For workers who still attend to educational educational institutions the hours working hours shall be reduced to four.

Teenage workers who are fourteen years of age or older but under eighteen years of age shall not be employed during the night between the hours of 8 p.m. and 6 a.m.

Article 59.- WORKPLACE.

A working adolescent may be sent to work at a location other than the one for which they were hired, provided that the transfer does not involve uprooting them from their family or causing them to miss school.

**Article 60.- REGISTRATION BY THE EMPLOYER.**

Employers who hire adolescent workers are required to keep a register in which they shall record:

a) the first and last name, place and date of birth, address and place of residence of the adolescent worker;

b) First and last names of the father, mother, guardian or responsible parties and their address.

c) their date of admission, job they perform, remur.ero or: -. qua pe,c¡úa, work schedule and social security registration number;

d) Educational centre attended, class schedule; and *-.

e) other information deemed relevant.

The Ministry of Justice and Labour, in coordination with the Municipal Council for the Rights of Children and Adolescents (CODENI) in each municipality, shall regulate the procedures and control of the register.

**Article 61.- ON THE OBLIGATION TO REPORT ON ADOLESCENT LABOUR.**

All employers are required to provide the information requested by the Ministry of Justice and Labour and the Municipal Council for the Rights of Children and Adolescents (CODENI), and must also register the hiring of the services of a
within seventy-two hours.

This registration must be accompanied by a copy of the adolescent's employment contract and their registration in the social security system.

**Article 62.- EMPLOYMENT OF ADOLESCENTS WITH SPECIAL NEEDS**

Adolescents with special needs may not be discriminated against in terms of employment or salary.

Adolescents with special needs who are suitable for the duties required by a job shall be given priority in their admission by
all public entities.

The National Secretariat for Children shall promote incentive programmes to encourage the hiring of adolescents with special needs.

**CHAPTER III**
**OF THE ADOLESCENT DOMESTIC WORKER Article 63.- OF**

**THE EMPLOYER'S OBLIGATIONS.**

The employer is obliged to provide the adolescent domestic worker, without withdrawal, with a separate room, bed, clothing and food for the performance of their duties. The room and food cannot be considered part of the salary.

The employer must register the adolescent worker in the social security system.

**Article 64.- WORKING HOURS FOR DOMESTIC WORKERS.**

The maximum working day for adolescent domestic workers shall be six hours per day, with rest breaks, and four hours for those attending educational institutions.

**Article 65.- OF SCHOOLING ADOLESCENT COMPULSORY SCHOOLING DOMESTIC WORKERS. FOR**

Employers are obliged to facilitate the attendance of adolescent domestic workers at an educational institution, for the purpose of receiving an adequate school education, without deducting any amount from their remuneration.

**Article 66.- PARENTAL AUTHORISATION FOR DOMESTIC WORK AND TRANSFER.**

E! A lescent worker must have authorisation from their parent, guardian or representative to provide domestic services. This authorisation shall be granted by the Municipal Council for the Rights of Children and Adolescents (CODENI) in the place of residence of the adolescent.

If the adolescent must move from one location to another, the Municipal Council for the Rights of Children and Adolescents (CODENI) of the adolescent's place of residence shall communicate this fact to the corresponding council of the adolescent's place of work.

**Article 67.- PROHIBITION ON LEAVING THE COUNTRY.**

The hiring of adolescents to perform domestic work outside the national territory is prohibited.

Article 68.- In all matters not provided for in this Code regarding the employment of minors, the provisions of the Labour Code, its amendments and applicable labour laws shall apply.

## CHAPTER IV
## SELF-EMPLOYED ADOLESCENTS

Article 69.- CONCEPT.

A self-employed worker is considered to be an adolescent who, without being employed by another person, carries out activities that generate economic profit, even if done under the supervision of their father, mother, guardians, or other responsible persons.

The provisions relating to prohibited work shall apply to self-employed adolescents.

# BOOK III
# FAMILY INSTITUTIONS

## TITLE I
## PARENTAL AUTHORITY

## CHAPTER I
## GENERAL PROVISIONS

**Article 70.- EXERCISE OF PARENTAL AUTHORITY.**

The father and mother exercise parental authority over their children on equal terms. Parental authority entails the right and primary obligation to raise, feed, educate and guide their children.

Issues arising from the exercise of parental authority shall be resolved by the Juvenile Court.

In places where there is no such judge, the local Justice of the Peace may order urgent provisional security measures as provided for in this Code, with the obligation to refer all matters to the competent judge within forty-eight hours.
proceedings.

Article 71.- TION OF THE RIGHTS AND DUTIES OF THE FATHER AND MOTHER.

Those who exercise parental authority are obliged to provide maintenance for their children. The obligation to feed them comprehend providing accommodation, in conditions no less favourable than those enjoyed by the obligados.

Parental authority also implies the following duties and rights:

a) ensure their comprehensive development;

b) provide for their support and education;

c) direct their educational process and job training in accordance with their vocation and aptitudes;

d) live with them;

e) represent them in events of the civil civil while they acquire the capacity and civil liability; and,

f) administer and enjoy their property, when they have it.

**Article 72.- SUSPENSION OF THE EXERCISE OF PARENTAL AUTHORITY.**

It suspended by judicial of judicial the exercise potestad los in the following cases:

a) due to the interdiction of the father or mother, issued by the competent judicial authority competent judicial authority;

b) due to the absence of the father or mother, or both, declared by a court;

c) because the father or mother is serving a prison sentence;

d) due to failure to fulfil their maintenance obligations despite having the means to do so;

e) for violence that harms the physical or mental health and safety of children, even when exercised as discipline, and without prejudice to other measures commensurate with the seriousness of the act; and

f) for failure to comply with the other duties established in the previous article.

**Article 73.- LOSS OF PARENTAL AUTHORITY.**

Parental authority shall be lost by judicial declaration in the following cases:

a) for having been convicted of committing a punishable act to the detriment their child;

b) for having failed to adapt to cohabitation, in cases involving adopted children;

c) for actions that cause serious physical, psychological or mental harm to their child; and,

d omissions that, due to their severity, n put at their child e state of abandon

oro y peligro.

**LEGISLATIVE BRANCH**
LAW No. 1680

**Article 74.- LEGITIMACY TO TAKE ACTION.**

The Office of the Ombudsman for Children and Adolescents, relatives up to the third degree of consanguinity, or third parties who demonstrate a legitimate interest may request the suspension or loss of parental authority in the cases established in this Code. The child or adolescent may file a claim to this effect with the competent authority.

**Article 75.- EXTINCTION** OF **PARENTAL** AUTHORITY.

Parental authority shall be terminated:

a) upon the death of the parents or children;

b) upon the latter reaching the age of majority; and

c) upon emancipation.

**Article 76.- PARENTAL AUTHORITY EXERCISED BY THE** FATHER OR MOTHER.

In the event of suspension, loss or termination of parental authority of one of the parents, it shall be exercised by the other.

**Article 77.- OBLIGATIONS** OF THE FATHER AND MOTHER.

The suspension or loss of parental authority shall not exempt the father and mother from their obligations to provide for their children.

Article 78.- **JUDICIAL DECLARATION OF LOSS OF PARENTAL AUTHORITY.**

The loss or suspension of parental authority shall be declared by the court, in adversarial proceedings, ensuring due process guarantees for the father, mother and child.

**Article** 79.- **RESTORATION OF PARENTAL AUTHORITY.**

The father or mother whose parental authority has been suspended may request its restoration from the court when the grounds for the suspension have ceased to exist. The te judge shall hear the request in accordance with the best interests of the child or adolescent.

**Article BO.- OE PARENTAL AUTHORITY AND MARRIAGE ANNULMENT.**

The nullity of the parents' marriage shall not affect parental authority over their children.

Article 81.- EXCEPTION TO THE LEGAL REPRESENTATION OF THE FATHER AND MOTHER.

In the case the child or adolescent has been the victim of a punishable act and the parents have not brought the corresponding action, the victim or the Children's Ombudsman's Office (Defensoría de la Niñez y la Adolescencia) may report the act to the corresponding authority.

## CHAPTER II
## ADMINISTRATION OF THE PROPERTY OF PARENTAL AUTHORITY

**Article 82.- RIGHT OF ADMINISTRATION.**

The national power comprises the right and the obligation to administer and use the child's property.

**Article 83.- EXCEPTIONS TO ADMINISTRATION.**

"

The exceptions from usufruct are the assets acquired by the child in return for his or her employment or service, work or industry, even if they live in their parents' home. --

The (shall be) taken into consideration the amount of the assets and the age of the child or adolescent to exclude from usufruct when:

a) they are acquired by chance;

b) they are assets donated or bequeathed to the child under the condition that they are not administered by their parents; and,

c) the child inherits them due to the incapacity of the father or mother to be an heir.

**Article 84.- JUDICIAL AUTHORISATION.**

Parents may not, without authorisation from the Juvenile Court Judge of the child's place of residence, sell real estate owned by them, establish real rights, transfer their child's rights over the property of others, or sell property owned jointly with their children.

The petition shall be well-founded and duly accredited, and only be granted in the exclusive interest of the child or adolescent, and must be accounted for in writing and documented within sixty days.

**Article 85.- PROHIBITION ON FATHERS AND MOTHERS.**

Under no circumstances may the father and mother become assignees of credits, rights or shares against their children, unless the assignments result from legal subrogation.

Nor may they voluntarily waive their children's rights, or enter into transactions with them regarding their inheritance rights or oblige them as guarantors their own or those of third parties.

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**Article 86.- DISPOSAL OF LIVESTOCK.**

Parents may not dispose of livestock owned by their children without judicial authorisation, except for livestock whose sale is permitted to usufructuaries of herds.

Artículo 87.- **NULLITY OF PROHIBITED ACTS.**

Los actos realizados por el padre y la madre que contravengan las prohibiciones establecidas en los artículos precedentes son de nulidad absoluta.

Acts by the father and mother that contravene the prohibitions established in the preceding articles are null and void.

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Article 88.- OF THE CREDITORS OF THE FATHER AND MOTHER.

The creditors of the father and mother may not seize the income from the usufruct of their children's property.

Article 89.- LOSS OF ADMINISTRATION OF PROPERTY.

The father and mother may lose the administration of their children's property when:

a) it is detrimental to the children's assets;

b) they are in a state of insolvency;

c) the father or mother is proven to be incapable of administering them properly;

d) be deprived of parental authority. If they are deprived of parental authority due to insanity, they shall not lose the right to use those assets; and,

e) they do not submit a documented report to the competent Juvenile Court Judge on the administration or management of the administered assets.

Article 90.- REMOVAL FROM THE ADMINISTRATION OF PROPERTY.

If the father or mother is removed from the administration of the child's property, it shall pass to the other parent. When the removal affects both parents, the judge shall entrust it to a special guardian, who shall deliver to them the remainder of the income from these assets after paying the expenses of administration, maintenance, and education of the child.

**Article 91.- DE LA ENTREGA** DE LOS BIENES AL HIJO EMANCIPADO O MAYOR DE -, **AGE.**

Anyone who has exercised parental authority or administered their property shall hand over to the emancipated child or adult all property belonging to them and shall render account thereof.

**CHAPTER III**
COHABITATION AND RELATIONSHIPS Article 92.-

FAMILY COHABITATION.

Children and adolescents have the right to cohabitation with their parents, unless it is detrimental to their interests or convenience, which shall be determined by the judge, in accordance with the law.

In all cases of conflict, the judge must hear the opinion of the child or adolescent and assess it taking into account their maturity and degree of development.

Article 93.- DISPUTES BETWEEN THE FATHER AND MOTHER.

In the event of separation of the parents and if there is a dispute over the custody of the child, the judge shall hear the opinion of child or adolescent and will resolve the matter on the the child and the of the child.

In the case of a child under five years of age, the mother shall preferably be responsible for the child. However, agreements established between the parents shall be taken into consideration.

**Article 94.- RESTITUTION.**

In the event that one parent takes the child away from the other, the latter may request the judge to return the child through the summary proceedings established in this article, under sworn statement of the alleged facts.

The court shall summon the parents to a hearing, to be held within a maximum period of three days, ordering the child or adolescent to be presented, under penalty of ordering the return of the child to the home where he or she lived.

The parties shall attend the hearing accompanied by their witnesses and other evidence, and the judge shall rule without further proceedings, the ruling being appealable without suspensive effect.

Article **95.- JUDICIAL REGULATION OF THE RELATIONSHIP REGIME.**

In order to guarantee the right of the child or adolescent to maintain ties with other members of their family with whom they do not live, judicial regulation shall apply when circumstances so warrant.

The relationship regime established by the court may be extended to -z. relatives up to the fourth degree of consanguinity and second degree of affinity, as well as to non-relatives, when the interests and needs of the child so require.

**Article 96.- NON-COMPLIANCE WITH THE** RELATIONSHIP REGIME.

The repeated non-compliance of the relationship established may result in the modification or temporary termination of the cohabitation regime.

## CHAPTER IV
## ON CHILD SUPPORT

Article 97.- **THE OBLIGATION** TO **PROVIDE CHILD SUPPORT.**

The father and mother of the child or adolescent are obliged to provide sufficient food appropriate to their age. Food assistance includes whatis necessary for the child or adolescent's sustenance, housing, clothing, education, medical care, and recreation.

A pregnant woman may claim maintenance from the child's father. Maintenance also includes the obligation to provide the mother with the expenses incurred by pregnancy and childbirth.

In no case the judge shall to rule on the the requested.

**Article 98.- COMPULSORY PROVISION OF MAINTENANCE BY** OF **RELATIVES.**

En In the event of the absence, incapacity or lack of financial resources of the parents, the persons mentioned in Article 4 of this Law and, subsidiarily, the State, shall be responsible for providing maintenance; estar asistencia alimenticia las personas mencionadas en el Artículo 4° de esta Ley y, subsidiar iamente, el Es do.

Juana or the obligated parties, at the discretion of the judge, are materially unable to fulfil this obligation individually, it may be apportioned among them.

Article 99. - PROHIBITION OF EVADING PAYMENT.

, quu liubtuse has been sued for maintenance nc pucii u ii litigate a trial to evade payment to which he has been sentenced. The payment of maintenance shall be made by the maintenance payer until there is a final judgment in another trial that could reverse the sentence handed down in the maintenance trial.

## CHAPTER V
## AUTHORISATIONS TO TRAVEL AND MARRY

Article 100.- AUTHORISATION TO TRAVEL ABROAD.

In the event that the child or adolescent travels abroad with one of the parents, the express authorisation of the other parent will be required. If travelling alone, the authorisation of both parents will be required. The authorisation will be recorded in the minutes before the Justice of the Peace ( ) with jurisdiction.

The Juvenile Court Judge shall grant authorisation for the child or adolescent to travel abroad in the following cases:

a) when one of the parents objects to the trip; and,

b) when the father, the mother or both are absent, justified by the presence of two witnesses.

In the case established in subsection a), the child or adolescent must be presented to the court upon their return.

In the case of an international adoption, the judge who heard the case must expressly authorise the child's departure in the resolution granting the adoption.

Article 101.- THE DISSENT PROCEDURE.

In the event of disagreement by one of the parents regarding the trip, the matter shall be resolved through the procedure established in Article 94 of this Code. The decision shall be final and not subject to appeal.

Article 102.- JUDICIAL AUTHORISATION TO MARRY.

The Judge for Children and Adolescents shall have jurisdiction to authorise the marriage of adolescents, in accordance with the provisions of the Civil Code and this Code.

Prior to the decision, the judge shall hear the opinion of the adolescents concerned and, if necessary, may call upon specialised assistants to ensure the enjoyment of their rights.

## TITLE II
## ON FOSTER CARE INSTITUTIONS

### CHAPTER I
### GENERAL PROVISIONS

Article 103.- OF FOSTER CARE.

A child or adolescent deprived of their family environment by court order, may be taken in by a family} temporarily, through foster care or guardianship, or permanently, through adoption.

The family or person who takes in the child or adolescent shall be obliged to feed, educate, care for and protect them, to the same extent as would apply to their own family unit.

Article 104.- CONDITIONS FOR **THE SUBSTITUTE FAMILY.**

In order to designate the substitute family, the judge shall take into account the degree of kinship and the emotional bond, and shall arrange for verification of the family's living conditions, as well as subsequent monitoring, in order to ensure compliance with the rights set forth in this Code.

**Article 105.-** NECESSARY **JUDICIAL AUTHORISATION**.

Once a substitute family has been designated, it may not be changed without the authorisation of the competent judge.

In the case of children under six years of age, adoption should be prioritised.

## CHAPTER II
CUSTODY

**Article 106.- CONCEPT.**

Guardianship is a measure by which the Court entrusts a person, proven to be suitable, with the care, protection, attention and comprehensive assistance of the child or adolescent subject to guardianship and imposes on the guardian:

a) the obligation to provide material, emotional and educational assistance to the child or adolescent; and

b) the obligation to defend the rights of the child or adolescent, even against their parents.

The custody order may be revoked at any time by court decision.

Article 107.- **OBLIGATION** TO **REPORT.**

Any person who takes in a child or adolescent without having been granted custody of them shall be obliged to communicate this fact to the judge within two days, under penalty of incurring the punishable offence established in Article 222 of the Criminal Code.

Article 108.- EVALUATION.

The custody must be accompanied and periodically evaluated by the Court of the Childhood and Adolescence and their assistants.

Article 109. PROHIBITION ON GUARDIANS.

The person responsible for the guardianship of a child or adolescent may not transfer this responsibility to third parties, whether individuals or public or private entities, under penalty of incurring the punishable offence established in Article 222 of the Criminal Code.

TITLE III
GUARDIANSHIP

**CHAPTER I**
**GENERAL PROVISIONS Article 1 10.- CONCEPT.**

Guardianship is an institution that allows the guardian to represent the child or adolescent, guide them, and administer their property when they are not subject to parental authority.

#,rtfcu!c 111.- OBLIGATION TO REPORT.

Any person who has knowledge of the abandonment of a child or, adolescence, is obliged to put in the of this situation to any competent authority within forty-eight hours, which in turn must report it to the Juvenile Court.
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When the omission is committed by the persons referred to in Article 4 of this Code, the punishable offence established in Article 119 of the Criminal Code shall apply.

**Article** 11 **2.- EXERCISE OF GUARDIANSHIP.**

Guardianship shall be exercised with the intervention and under the control of the Judge for Children and Adolescence, in accordance with the rules contained in this Code.

Article 113.- FORMS OF GRANTING GUARDIANSHIP.

Guardianship shall be exercised by a single person and may be granted by:

a) the father or mother who exercises parental authority;

b) the law; and

c) the Judge of Children and Adolescents.

Article 114.- OBLIGATIONS OF THE GUARDIAN.

The guardian must feed, educate and assist the child or adolescent as if they were their own child, except in cases of special guardianship. The exercise of guardianship shall in no case imply the loss, impairment, disregard or detriment to the rights and guarantees of the child or adolescent.

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Article 115.- DISQUALIFICATION FROM EXERCISING GUARDIANSHIP.

The following persons may not be guardians:

a) those who have not have reached the age of majority;

deaf-mutes who cannot make themselves understood in writing or

Others FÏ1t2UI Użż j

c) those who are legally incapacitated;

d) those who do not have a domicile in the Republic;

e) those who have been declared bankrupt, unless they have been rehabilitated;

f) those who have been deprived of parental authority;

g) those who must exercise a position outside the Republic for an indefinite period. When the absence is for a fixed period, the judge shall decide in accordance with the provisions of Article 143 of this Code;

h) those who have no known trade, profession or economic activity;

i) those sentenced to imprisonment, for the duration of their sentence;

j) the creditors or debtors of the child or adolescent;

k) those who have pending litigation with the child or adolescent, or with the child's father or mother;

l) those who have misappropriated the property of another child or adolescent, or who have been removed from other guardianships; and

m) relatives of the child or adolescent who, knowing of the situation, did not report the child's abandonment due to orphanhood or the vacancy of guardianship.

## CHAPTER 11
## GUARDIANSHIP GRANTED BY PARENTS

**Article 116. APPOINTMENT OF THE GUARDIAN.**

The father or mother, even if they are under eighteen years of age, may appoint a guardian for the children under their parental authority by will or public deed, to take effect after their death.

Article 117.- APPOINTMENT OF TWO OR MORE GUARDIANS.

If the father or the mother appoints two or more guardians, in case of incapacity, excuse, separation or death of the first of them, guardianship shall be carried out successively by the others in the order in which they were appointed.

**Article 18.- JUDICIAL CONFIRMATION OF GUARDIANSHIP.**

Guardianship granted by the father or mother must be confirmed by the Judge for Children and Adolescents.

**Article 1 19.- PROHIBITED CLAUSES.**

The appointment of a guardian may be made by the father or mother with the insertion of any y clause, provided that it is not prohibited.

Any clauses that exempt the guardian from making an inventory of the assets , authorise them to take possession of the assets before making an inventory , or exempt the guardian from accounting for their administration shall be deemed null and void.

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CHAPTER III
**GUARDIANSHIP BY RELATIVES**

**Article 120.- EXERCISE OF GUARDIANSHIP BY RELATIVES.**

Guardianship by relatives may take place when the parents have not appointed guardians by will or by public deed, or when those appointed by them cease to be cease to be guardians or have not begun to exercise their duties.

Article 121.- THE ORDER **FOR THE EXERCISE OF GUARDIANSHIP**

This guardianship shall be exercised by:

a) a the paternal and maternal grandparents;

b) b siblings. Preference shall be given to those who have both a father and a mother; and

c) uncles and aunts.

**Article 122.- ON THE SUITABILITY OF THE GUARDIAN.**

In the guardianship of relatives, the judge shall grant guardianship to the most suitable person to exercise it, notwithstanding the order established in the previous article.

CHAPTER IV
OF THE GRANTING OF GUARDIANSHIP

Article 123.- OF THE GUARDIAN APPOINTED BY THE JUDGE.

The Judge for Children and Adolescents shall appoint a guardian for the child or adolescent when their father or mother has not designated one, or wh r when there are no relatives who can exercise this role, they are not capable or suitable, they have resigned from it, or they have been removed.

**Article 124.- PROVISIONAL GUARDIAN.**

The Juvenile Court Judge shall immediately appoint a provisional guardian. when there is an urgent need to protect the person or interests of the child or adolescent. This discernment may not last more than six months, within which time a a permanent guardian must be appointed.

CHAPTER V
**SPECIAL GUARDIANSHIP**

Article 125.- CONDITIONS NECESSARY FOR THE APPOINTMENT OF A SPECIAL GUARDIAN.

The judge shall appoint special guardians when:

a) the interests of the child or adolescent are in conflict with those of their father or mother, under whose parental authority they are;

If the father or mother loses control of their parental rights in the administration of the child

c) acquires property that is not administered by the parents;

d) the interests of the child or adolescent are in conflict with those of his or her tutor;

e) his interests were in opposition to those of another child or adolescent, whowasfound with them under a common guardian, or to those of an incapacitated person whose guardian is the curator;

f) thechild or adolescent acquires property with the clause that it will be administered by another person or not to be administered by their guardian;

g) had property outside the jurisdiction of the Guardianship Judge, which cannot be properly administered by the guardian; and,

h) in the case of businesses or matters requiring special knowledge or different administration.

Article **126.- THE DUTIES** OF **THE** SPECIAL **GUARDIAN**.

The special guardian may only intervene in the business or management for which he or she has been appointed. His or her appointment does not alter the exercise of parental authority or the functions of the general guardian.

## CHAPTER VI
ON THE DISCERNMENT OF GUARDIANSHIP

Article 127.- ON THE **JUDICIAL** DISCERNMENT OF GUARDIANSHIP.

No one may exercise the function of guardian without the position being discerned by a competent judge. competent judge. The guardian shall ensure, under oath, faithfully faithfully their administration.

**Article 128.- THE COURT COMPETENT TO DISCERN THE** GUARDIANSHIP.

The decision regarding guardianship rests with the Juvenile Court Judge in the place of residence of the child or adolescent on the date of the death of their parents, or that which the child or adolescent had at the time of the occurrence of the other causes for termination of guardianship provided for in this Code, which warrant the appointment of a new guardian.

The judge who has determined guardianship shall have jurisdiction over all matters relating thereto.

Article 129.- CHANGE OF RESIDENCE.

A change of residence by the child or adolescent or their guardians shall not affect the jurisdiction of the judge who granted guardianship, unless the judge, either ex officio or upon a well-founded request by the guardian, orders the transfer of jurisdiction to the judge for children and adolescents of the new place of residence.

Article 130.- INVENTORY AND VALUATION OF PROPERTY.

Once guardianship has been determined, the assets shall not be handed over to the guardian until they have been judicially inventoried and appraised, unless the inventory and appraisal of the assets had already been carried out prior to the determination of guardianship.

**Article 131. ACTIONS PRIOR TO THE GRANTING** OF **GUARDIANSHIP.**

Acts performed by a guardian whose guardianship has not yet been granted shall have no effect with respect to the child or adolescent, but subsequent granting of guardianship shall imply ratification of such acts, provided they do not result in harm to the child or adolescent.

## CHAPTER VII
## ADMINISTRATION OF THE CHILD'S PROPERTY IN GUARDIANSHIP

**Article 132.- SCOPE OF APPLICATION OF THE RULE.**

The administration of guardianship shall be governed by the provisions of this Code if the property of the child or adolescent is located within the Republic. If the property is located outside the Republic, its administration and disposal shall be governed by the laws of the country where it is located.

**Article 133.- SUSPENSION OR REMOVAL OF THE GUARDIAN.**

When the guardian abuses his or her powers to the detriment of the property of the child or adolescent, the judge must immediately suspend or remove the guardian, without prejudice to the penalties provided for in the Penal Code.

**Article 134.- REPRESENTATION BY THE GUARDIAN.**

The guardian is the representative in all civil acts, administers and manages the property of the child or adolescent, and is liable for any damage resulting from the mismanagement thereof.

**Article 135.- PROPERTY EXCLUDED FROM THE GUARDIAN'S ADMINISTRATION.**

The following are excluded from the guardian's administration:

a) property that is to be administered by special guardians; and

b) those acquired by the child or adolescent through their work or trade.

**Article 136.- MANDATORY INVENTORY.**

The judge shall carry out the inventory accompanied by the guardian and one or more relatives of the child or adolescent, or other persons who have knowledge of the business or property of the person who appointed them as heir.

The guardian may not be exempted from making the judicial inventory, regardless of the testamentary provision by which the child or adolescent has been appointed heir. Any clause to the contrary shall be null and void.

**POWER LEGISLATIVE OF** LAW No. 1680 **ATTOR NEY**

**Article 137.-** OF THE GUARDIAN'S CREDITS.

If the guardian has any credit against the child or adolescent, he or she must record it in the inventory, and if he or she fails to do so, he or she may not claim it in the future.

Article 138.- **PROPERTY ACQUIRED DURING THE** GUARDIANSHIP.

The guardian shall make an inventory and valuation of the assets that the child or adolescent may acquire in the future, by inheritance or other title, with the formalities of a will.

Article 139.- JUDICIAL ACCOUNTING FOR GUARDIANSHIP.

The guardian who replaces another shall immediately demand from his predecessor or his heirs the judicial rendering of the accounts of the guardianship and the possession of the property of the child or adolescent.

Article 140.- DISPOSAL OF INCOME IN **GUARDIANSHIP.**

The judge, depending on the age and the importance of the income generated by the child or adolescent's assets, shall set the annual amount to be invested in their education and maintenance, without prejudice to varying it according to the cost of living and the needs of the child or adolescent.

If there is any surplus income, the guardian shall invest it in the most secure, profitable and liquid manner possible.

If the income is insufficient for their food and education, the competent judge may authorise the guardian to use other assets for that purpose.

Article 141.- DEPOS**ITS DEPOSITS** OF MONEY AND **THE ACQUISITION** OF SECURITIES AND SECURITIES.

Bank deposits of money and the acquisition of securities shall be made at e bro de! r'.iño o adslescente y a la or den del Juez de la Niñez y iu AÜuÎoa oi iaia.

Article 142.- ON THE OBLIGATION OF RELATIVES.

If the child or adolescent lacks financial resources, the guardian must request authorisation from the judge to require relatives to provide maintenance through legal channels.

Article 143.- TRANSFER OF THE GUARDIAN OR THE CHILD OUTSIDE THE COUNTRY.

If the guardian changes their place of residence outside the territory of the Republic ordecides to leave the country for a period exceeding sixty days, they must notify the judge ofthe guardianship, so that the latter may decide on their continuation in that role or proceedto discernanother guardian.

The tutor authorise the departure of the child of the child or adolescent Taking them with you, s permission from the judge.

Article 1 44 - ACTS REQUIRING **JUDICIAL** AUTHORISATION**.**

The guardian shall require the Juez para: authorisation of the

a) to dispose of the livestock owned of the child or adolescent, including the " , annual production of the herd;

b) pay debts that not are ordinary ordinary ones the administration or the - support of the child or adolescent;

c) all extraordinary expenses that are not related to the repair or maintenance of property;

d) repudiation inheritance, bequests or giftsthat were made to child or adolescent;

e) to transactions or commitments about the rights of children or adolescents;

f) to lease real estate other than the family home;

g) remit loans to favour the child or adolescent, even if the debtor is insolvent;

h) purchasing property for the child or adolescent, other items of high economic value, and items that are not necessary for their food, education, and recreation;

i) making loans in the name of the child or adolescent;

j) any act or contract in which any of the guardian's relatives up to the fourth degree of consanguinity and second degree of affinity or any of their business partners have a direct or indirect interest;

k) continuing or ceasing the operation of commercial or industrial establishments that the child or adolescent has inherited or in which they have a share; and

l) leasing the child or adolescent's real estate for more than five years.

Those authorised by the judge shall implicitly include the condition of termination upon the child reaching the age of majority, or earlier if the child marries or becomes emancipated for any other reason, even if the lease is for a fixed term.

**Article 145.- PROHIBITION ON SELLING OR MORTGAGING THE PROPERTY UNDER GUARDIANSHIP.**

The guardian may not, without judicial authorisation, dispose of the property he administers or create rights in rem over it, or divide the real estate that the wards own in common with others, unless the judge has ordered the division with the co-owners.

Article 146.- PARTITION OF THE INHERITANCE IN GUARDIANSHIP.

The guardian or curator shall promote the sale of property belonging to the child or adolescent together with other property, and the partition of the inheritance in which he or she has a share, when this is in the best interests of the child or adolescent.
interests of the child or adolescent. .*

All partition of movable property, real estate or condominiums must be judicial.

Article 147.- SALE OF PROPERTY AT PUBLIC AUCTION

Movable or immovable property may only be sold at public auction, except where the former is of little value.

Article 148. EXCEPTION TO THE OBLIGATION TO AUCTION.

The judge may order that the sale of movable or immovable property not be conducted at public auction when, in his opinion, an extrajudicial sale is more advantageous due to extraordinary circumstances or because a higher price cannot be obtained at auction, provided that the price offered is higher than the appraised value.

## CHAPTER VIII
CONCLUSION AND ACCOUNTS OF THE GUARDIANSHIP

Article 149. FORMS OF CONCLUSION OF GUARDIANSHIP.

Guardianship shall terminate by:

a) death or incapacity of the guardian;

b) removal ordered by the judge;

c) excuse accepted by the judge;

d) death of the child or adolescent, reaching the age of majority or emancipation;

e) termination of the incapacity of the parents or due to havingbeen reinstated to the exercise of parental authority; and,

f) for the voluntary recognition of children outside of marriage after the appointment of the guardian.

Article 150.- CONCLUSION OF **SPECIAL GUARDIANSHIP.**

Special guardianship shall terminate upon the disappearance of the cause that gave rise to it or when the child reaches the age of majority or becomes emancipated.

Article 151.- ON THE DECLARATION **JUDICIAL** OF CONCLUSION OF THE SPECIAL GUARDIANSHIP.

The termination of special guardianship shall require a judicial declaration, subject to prior approval of the administration's accountability report.

Article 152 TION OF THE GUARDIANSHIP ADMINISTRATION'S DOCUMENTATION.

The guardian must document its administration and under no circumstances may it be exempted from rendering an account for it.

Article 153.- DISCLOSURE OF GUARDIANSHIP ACCOUNTS.

The competent judge may also order the guardian to disclose the accounts during the administration of the assets.

Article 154.- DELIVERY OF THE PROPERTY UNDER GUARDIANSHIP.

Once the guardianship has ended, the guardian or their heirs shall immediately hand over the assets of the guardianship administration and shall render an account of it within the period specified by the judge. The

•c .dic. '. cia accounts shall be made to the person representing the child, or to the adult who is responsible for the child. iuLiUSu

reached the age of majority or been emancipated.

Article 155.- COMPENSATION FOR DAMAGES IN GUARDIANSHIP.

The child or his representative shall have the right to estimate, under oath, the damage suffered against the guardian who does not provide documented accounts of his administration, or who has committed fraud or gross negligence. Within this estimate, the judge may order the guardian to pay the sum he considers fair, taking into account the assets of the affected party.

Article 156.- OF THE EXPENSES OF THE GUARDIANSHIP.

The guardian shall be reimbursed for any expenses incurred, duly documented, even if they have not produced any benefit.

Article 157. REMUNERATION OF THE GUARDIAN.

The guardian shall receive as remuneration one tenth of all the increase in value of the property under his or her administration.

# BOOK IV
# ON SPECIALISED JURISDICTION

## TITLE I
## ON INTEGRATION AND COMPETENCE

### CHAPTER I
### ON COURTS AND TRIBUNALS FOR CHILDREN AND ADOLESCENTS

Article 158.- ON THE COMPOSITION OF THE JUSTICE OF THE CHILD AND ADOLESCENCE.

*The* Supreme Court of Justice and the courts, tribunals and specialised defence offices created by this Law, as well as their assistants, shall hear all matters relating to the rights of children and adolescents.

A such effect, in each judicial district will
courts courts v specialised courts * and their
corresponding public defenders' offices shall be created.

Article 169.- REQUIREMENTS.

Ade the requirements established by law for the appointment of judges and members of ordinary courts, additional requirements shall be required to serve in this jurisdiction.
appropriate for the function they are to perform. de desempeñar. dei idoneidad

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**Article 160.- JURISDICTION OF THE COURT.**

The Court of Appeal for Children and Adolescence shall hear:

a) appeals granted against the decisions of the Judges of First Instance for Children and Adolescents;

b) complaints of delay or denial of justice;

c) the challenges or disqualifications of the judges of the Children and Adolescence; and

d) competence disputes between judges for Children and Adolescents.

**Article 161.- JURISDICTION OF THE COURT.**

The Juvenile Court shall hear cases concerning:

a) matters relating to filiation actions;

b) the exercise, suspension, or loss of parental authority over children;

c) appointment or removal of the guardians;

d) claims for prenatal assistance and maternity protection;

e) requests for the establishment of maintenance payments;

f) cases of custody, shelter and family cohabitation;

g) lawsuits for non-compliance with provisions relating to the health, education and work of children and adolescents;

h) cases referred by the Municipal Council for the Rights of Children and Adolescents (CODENI);

i) cases of child or adolescent abuse that do not constitute criminal offences;

j) judicial leave;

k) the adoption of children or adolescents;

l) measures to ensure the effective enforcement of the rights of children or adolescents; and

m) other measures established by this Code.

## CHAPTER II
## THE SPECIALISED OMBUDSMAN

**Article 16 2.-** 3E **THE OMBUDSMÁN'S OFFICE** ÑOR CHILDREN AND ADOLESCENTS.

Créu The Ombudsman's Office for Children and Adolescents, under the Ministry of Public Defence.

It shall be an essential and legitimate party in proceedings concerning parental authority, guardianship and adoption. In other legal proceedings in which the interests of children or adolescents must be protected, it shall intervene when they do not have a private defender.

**Article 163.- FUNCTIONS OF THE CHILD AND ADOLESCENT DEFENDER.**

The functions of the Ombudsman for Children and Adolescents shall be:

a) receiving complaints of violations of the rights of children or adolescents and promoting appropriate action;

b) representing children or adolescents in court, at their request or that of their parents, guardians or guardians;

c) to protect the rights of children and adolescents, either ex officio or at the request of a party, representing them before the judicial authorities and requesting the protection measures deemed necessary for the best fulfilment of their con-ietidu; and,

d) require compliance compliance of the deadlines and legal legal in the "** substantiation of cases submitted to the jurisdiction and, in view of the repeated failure of the courts and tribunals, to report the violations to the Supreme Court of Justice.

**Article 164.- POWERS.**

The Ombudsman for Children and Adolescents is empowered to:

a) request reports, expert opinions and documents from national, departmental and municipal authorities, as well as request inspections and other procedures necessary for their investigations;

b) request, through the courts, reports and documents from private institutions or individuals; and

c) require the assistance of specialised assistants; and

d) access at any time premises where children oradolescents requiring their assistance are located. In the case of private residences or offices, access shall require prior judicial authorisation.

## CHAPTER III
## SPECIALISED ASSISTANTS

**Article 165.- THE JUSTICE ADVISORY TEAM.**

Specialised assistants shall be professionals: doctors, educators, sicdlogos, sociologists and social workers , among others, who shall form a team multidiscipli ry with the aim of advising a the justice system for children and adolescents.

**Article 166.- THEIR POWERS.**

They will be attributed 'es especializados: of the special a :

a) issuethe written or verbal reports required by the court, the judge or the defence counsel;

b) (carry out) the follow-up of the measures ordered by the judge, issuing the (technical)opinionfor the corresponding evaluation, as well as recommendations for taking the relevant measures; and

c) any other duties specified in this Code.

## TITLE II
## PROCEDURE IN THE SPECIALISED JURISDICTION

### CHAPTER I
### GENERAL PROCEDURE IN THE JURISDICTION OF CHILDREN AND ADOLESCENTS

**Article 167.- NATURE OF THE PROCEEDINGS.**

The proceedings shall be summary and free of charge, respecting the principles of concentration, immediacy , and bilateralism.

It may initiated parents, initiated guardians at or instance the child or teenager, their •sspe .sables, the Office of the Ombudsman for Children and Adolescents, the Ministry of Justice, or those with a legitimate interest. It may also be initiated ex officio by the judge.

In order to resolve the issues, the judge shall first hear the opinion of the child or adolescent, depending on their age and degree of maturity.

The judge's rulings shall be well-founded and shall not be final, and may be modified or even set aside, either ex officio or at the request of a party, once the conditions that gave rise to them cease to exist.

**Article 168.- THE PARTIES TO THE PROCEEDINGS.**

The child or adolescent, their parents, guardians, advocates, and the Public Prosecutor's Office shall be parties to the proceedings in cases where so established by the respective laws, without prejudice to cases of adoption, loss of parental authority, and abuse, in which the advocates and the Public Prosecutor's Office shall necessarily intervene.

**Article 169.- TERRITORIAL JURISDICTION.**

Territorial jurisdiction shall be determined by the place of habitual residence of the child or adolescent.

Article 170.- **ISSUES SUBJECT TO** GENERAL R **PROCEDURE**.

Matters falling within the jurisdiction of the Juvenile Court but for which no special procedure has been established shall be governed by the provisions of this Chapter, with the provisions of the Code of Civil Procedure applying on a subsidiary basis.

**Article 71.- FILING OF THE CLAIM AND DOCUMENTS.**

person bringing the claim or petition must accompany the first pr ntation with the documentation relating to the event giving rise to their action or indicate the place, archive, or office where the documents they do not have in their possession are located. oder.

b) restitution in the case provided for in Article 95 and related provisions of this Code;

c) the exclusion of the accused from the home in cases of domestic violence;

d) hospitalisation;

e) provisional maintenance payments; and

f) other protective measures established by this Code, which the judge considers necessary in the best interests or for the safety of the child or adolescent. ‹.

Article 176.- **NUMBER** OF **WITNESSES.** e

The parties may propose up to three witnesses, which may also include family members when, due to the nature of the proceedings, only family members and persons close to the home can know the reality of the facts.

Article 177.- THE EXAMINATION OF EVIDENCE.

Once the case has been opened for trial, the judge shall order the examination of the evidence offered and admitted within a period not exceeding twenty days.

**Article 178.- THE EVIDENCE HEARING. EVIDENCE.**

Evidence hearings shall be continuous and received personally by the judge under penalty of nullity, and shall be conducted with the party appearing in person or through a representative. Evidence shall be presented first by the plaintiff and then by the defendant. If it is not possible to produce all the evidence on the same day, the judge may extend the hearing to the next working day and so on until all the evidence has been produced, without the need for any other notification other than that which will be made at the hearing. Once the evidence has been produced, the parties' arguments will be heard in order. Once the arguments have been heard, the judge will call the case for sentence.

Article 179.- DELIVERY OF THE JUDGMENT.

The judge shall set a hearing within six days of the summons, at which time he shall read his sentence.

Article 180.- FILING OF AN **APPEAL.**

Only the final judgement handed down by the judge may be appealed. The appeal shall be lodged within three days of notification of the judgement and shall be granted for the sole purpose of devolution, except in cases involving the custody of a child or adolescent or concerning their safety, in which case it may be granted with suspensive effect.

The appeal must be substantiated in the appeal brief, which shall include the claims and evidence offered but not admitted.

Before issuing its ruling, the Court may order the admission and production of the evidence no como las measures it deems appropriate. ue e

Article **181.- PROCEDURE** IN THE SECOND INSTANCE.

Upon receipt of the file, the Court of Appeal for Children and Adolescents shall forward the appeal to the other party within three days. Once the appeal has been answered, the Court shall set a hearing for the presentation of the evidence it has admitted. Only evidence that was rejected in the first instance may be admitted and produced, and the proceedings shall be conducted in accordance with the procedure established in Article 178 of this Code.

Once the hearing has concluded, the Court shall call the case for resolution and shall issue a ruling within ten days.

Article 182.- **PROCEEDINGS** AFFECTING THE INTERESTS OF THE CHILD.

Judges from other jurisdictions shall refer to the Juvenile Court, within two days of the occurrence, copies of proceedings that affect the interests of children or adolescents.

## CHAPTER II
## SPECIAL PROCEDURE IN ACTIONS FOR RECOGNITION. CONTESTATION OR DENIAL OF PARENTAGE

**Article 183.- SUMMARY NATURE OF THE PROCEDURE.**

In proceedings to recognise the filiation of a child conceived within or outside marriage, as well as to contest or deny it, the summary proceedings provided for in the Code of Civil Procedure shall be followed, except with regard to the prohibition on submitting pleadings, for which a period of six calendar days is established.

Article 184.- **EXPERT** BLOOD **TESTING**.

Expert deoxyribonucleic acid (DNA) blood tests or other equivalent scientific tests shall be given preferential consideration.

In the event of refusal to undergo testing, the opposition shall be considered as presumption of paternity or maternity.

The Judiciary shall take the necessary measures to facilitate the performance of such tests and shall regulate this article by agreement.

## CHAPTER III
## PROCEDURE FOR ESTABLISHING CHILD SUPPORT AND SUPPORT FOR PREGNANT WOMEN

Article 185.- WHO MAY CLAIM CHILD SUPPORT.

The child or adolescent may claim maintenance from those who are obliged to provide it. The same right applies to women when they need financial protection for their unborn child. Those claiming maintenance must justify by some means the right on which they base their claim and the approximate amount of the income of the person who should provide it.

**Article 186.- PROCEDURE.** ”

In maintenance proceedings, the process shall be governed by the special procedure established in this Code, with the exceptions set forth in this Chapter.

At any stage of the proceedings, the judge may order the provisional setting of maintenance, for which purpose he shall hear the defendant, in accordance with the provisions of Article 188 of this Code.

**Article 187.- MEANS OF EVIDENCE.**

The right to request maintenance may only be proven by means of a public instrument or by the defendant's admission. The amount of the defendant's assets may be justified by any type of evidence, including testimony previously given before the judge.

**Article 188.- INTERVENTION BY THE MAINTENANCE PAYER.**

In proceedings at first instance, when a provisional maintenance order is requested, the judge, before ruling on the request, shall summon the maintenance payer once only, under penalty of accepting the plaintiff's statements as true. The failure of the maintenance payer to appear shall not prevent the order from being issued.

**Article 189.- DETERMINATION OF THE AMOUNT AND TERM OF THE SUPPORT PAYMENT.**

The amount set in concept of pension maintenance will be paid in month in advance from the date of commencement of the proceedings. In the event of a claim * for prior filiation, from the date of commencement of the filiation proceedings and in the case of increase in the benefit, agreed out of court, from the agreed date. *

This shall be set at the minimum daily wage for various unspecified activities, increasing automatically and proportionally in line with wage increases.

It may be withheld for food assistance for up to fifty per per cent of the maintenance payer's income to cover arrears.

Unpaid maintenance generates privileged claims in relation to any other general or special claim. Payment shall be made in preference to any other.

**Article 190.- IMPOSIBILITY OF DETERMINING THE AMOUNT.**

When it is not possible to verify the income of the maintenance payer, their lifestyle and all circumstances that serve to assess their economic capacity shall be taken into account. It shall be presumed, without admitting evidence to the contrary, that they receive at least the legal minimum wage.

**CHAPTER IV**
**PROCEDURE IN CASES OF ABUSE Article 191.-**

**PROCEDURE FOR DEALING WITH ABUSE.**

In cases of abuse of children or adolescents, once the complaint has been received by the Court for Children and Adolescents, it shall immediately adopt precautionary measures * protection the child or adolescent as provided for in this Code, without prejudice to any criminal proceedings that may be brought .

The measure of sheltershall be the last resort.

# LIBBO V
# ON VIOLATIONS OF CRIMINAL LAW

## TITLE I
## GENERAL PROVISIONS

Article 192.- ON VIOLATORS OF CRIMINAL LAW.

The provisions of this Act shall apply to any adolescent who commits an offence that is punishable by criminal sanctions under ordinary legislation.

For the application of us Cóclig o, Iz with the status of adolescent must be given at the time of the election, in accordance with the provisions of Article 10 of the Cúcliq o Pcn«I.

Article 1S3.- ON THE APPLICATION OF THE GENERAL PROVISIONS.

The provisions ¿c iJcr ale s so o¡3 li cur ún solo cu and o e ste Có diç¡o n o dis¡IcJ fJ a al qo distinct. The Criminal Code and the Criminal Procedure Code shall be of a strict nature.

Article 194.- CRIMINAL RESPONSIBILITY.

The criminal is is acquired with adolescence adolescence, without prejudice ce the "
Irreproachability regarding an act, arising from incomplete psychological development and clean ćns causes of irreproachability, are viewed as Article 23 and concordant s of the C óúijr› Pei›«!.

A adolescent is at least partially responsible only when, at the time of committing the act, they had sufficient psychosocial maturity to understand the illegality of the act and to determine their actions in accordance with the law.

With the intention of providing the necessary assistance and support to a person who, in accordance with the above, is not criminally responsible, the judge shall order the measures provided for in Article 34 of this Code. o.

Article 19 5.- CLASSIFICATION OF UNLAWFUL ACTS.

To deter the commission of a crime or an unlawful act by a minor, the provisions of the Penal Code shall apply.

## TITLE II
## PENALTIES APPLICABLE

### CHAPTER I
### THE SAFETY SYSTEM Article 196.

MEASURES.

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*or* numerous socio-educational measures.

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LI fret o puriible carried out by A adolescent be castigado ccin medicsas correct s o with one measure exclusive of LibertarJ, only when the aplicariórJ of •'nsedid as scci o educativ as is not sufficient.

The judge shall dispense with the measures indicated in the preceding paragraph when their application, in view of the adolescent's admission to a psychiatric hospital or detoxification facility, is appropriate.

Article 197.- ADDITIONAL PENALTIES.

The publication of the sentence provided for in Article 60 of the Criminal Code may not be imposed.

Article 198.- SURVEILLANCE, IMPROVEMENT AND SECURITY MEASURES.

Of the measures provided for by ordinary criminal law, only the following may be ordered:

1. admission to a psychiatric hospital, in accordance with the provisions of Article 7 2, paragraph 3, numeral 1 of the Penal Code;

2. admission to a detoxification centre, in accordance with the provisions of Article 72, paragraph 3, numeral 2 of the Penal Code; paragraph 2 of the Criminal Code; and

3. the cancellation of the driving licence, in accordance with the provisions of Article 72, paragraph 4, numeral 3 of the Penal Code.

Article 199.- COMBINATION OF MEASURES.

Socio-educational measures and corrective measures, as well as several socio-educational measures and several corrective measures, may be ordered cumulatively.

Only impositions and obligations may be ordered in conjunction with a custodial measure.

## CHAPTER II
## SOCIO-EDUCATIONAL MEASURES

Article 200.- THE NATURE OF SOCIO-EDUCATIONAL MEASURES.

Socio-educational measures are prohibitions and mandates that regulate the adolescent's way of life in order to ensure and promote their development and education. Such rules of conduct may not exceed the limits of enforceability, in accordance with the adolescent's age. The judge may order:

a) residence in certain places;

b) living with a particular family or in a particular home;

c) accepting a particular place of training or work;

d) performing certain jobs;

pe) submit to the support and supervision of a specific persona:

f) educational and social training programmes;

g) repair, within a specified period and in accordance with their means, the damage caused by the punishable act;

h) attempt to reconcile with the victim;

i) avoid the company of certain people;

j) refrain from going to certain places or places exclusively for adults;

k) attend driving courses; and

l) undergo, with the consent of the holder of parental authority or guardian, where applicable, medical and social treatment by a specialist or a detoxification programme.

**Article 201.- DURATION OF MEASURES AND THEIR APPLICATION.**

The socio-educational determined socio-educational that shall not shall ordered by time exceed two years in duration. ”

The judge may change the measures, exempt from them, and extend them before the expiration of the ordered term, up to three years in duration, when this is indicated for reasons related to the adolescent's education.

**Article 202.- PROTECTION AND SUPPORT MEASURES.**

With the prior agreement of the Municipal Council for the Rights of Children and Adolescents (CODENI), the judge may also order the adolescent to accept the measures provided for in Article 34, paragraph two, subparagraphs c) and i) of this Code.

## CHAPTER III
## CORRECTIONAL MEASURES

Article 203. - THE NATURE OF CORRECTIONAL MEASURES.

An offence committed by a teenager shall be punished with a corrective measure when, without imprisonment being appropriate, it is necessary to seriously and intensely draw the teenager's attention to the responsibility for their conduct.

Correctional measures are:

a) a warning; , and

bl the imposition of certain obligations.

Corrective measures shall not have the effect of a conviction in relation to the affected person's criminal record, without prejudice to the possibility of recording them in a register designed to collect data for state, educational and preventiv ctivities.

Article 204.- WARNING.

The admonishment is a warning that the judge gives orally and in a clear and understandable manner to the adolescent, in order to make them aware of the reprehensible nature of their behaviour and their obligation to abide by the rules of family life and social coexistence.

Where appropriate, the judge shall invite the parents, guardians or persons responsible to attend the hearing and shall provide them with information and suggestions on how they can help to prevent future punishable conduct.

**Article 205.- IMPOSITION OF OBLIGATIONS.**

The judge may impose the following obligations on the adolescent: ,

a) make amends, within a time determined and of their possibilities, the damage caused by the punishable act; an agreement with "-

b) personally apologise to the victim;

c) perform certain tasks;

d) perform community service; and

e) paying a sum of money to a charitable organisation.

The obligations may not exceed the limits of enforceability.

The judge shall impose the obligation to pay a sum of money only when:

a) the young person has committed a minor offence and it can be expected that the payment will be made from their own resources; or,

b) the aim is to to deprive the young person benefit obtained by the act of the offence.

The judge may subsequently modify the obligations imposed or waive them when this is recommended for reasons related to the education of the adolescent.

CHAPTER IV
MEASURES DEPRIVING LIBERTY

**Article 206.- THE NATURE OF THE MEASURE DEPRIVING LIBERTY.**

The measure depriving liberty consists of the internment of the adolescent in a special establishment, intended to promote their education and adaptation to a life without crime.

Th The measure shall be ordered only when:
e

a) the socio-educational socio-educational and no the measures corrective be suitable for the education of the convicted person;

b) imprisonment is advisable due to the reprehensible nature of their conduct;

c) the adolescent has repeatedly and seriously failed to comply with socio-educational measures or imposed requirements in a reprehensible manner;

d) previous attempts have been made to address the adolescent's social adjustment difficulties by modifying non-custodial measures; or

e) the adolescent has been warned by the court of the possibility of the application of a custodial measure if he or she does not desist from his or her attitude.

In this case, the duration of the custodial measure shall be up to one year.

**Article 207.- DURATION OF THE DEPRIVATION OF LIBERTY MEASURE.**

The measure depriving liberty shall have a minimum duration of six months and a maximum duration of four years. In the case of an act classified as a crime under ordinary criminal law, the maximum duration of the measure shall be eight years.

For the purposes of measuring the measure, the criminal frameworks provided for in the provisions of ordinary criminal law shall not apply.

The duration of the measure shall be determined in accordance with the purpose of the detention.
+‹ cat:Eva er fuvor dei condenado

**Article 208.- SUSPENSION OF THE EXECUTION OF THE MEASURE ON PROBATION.**

In the event of a sentence of imprisonment of up to one year, the judge shall order the suspension of its execution when the personality, conduct and living conditions of the adolescent allow for the expectation that, under the impression caused by the sentence and through obligations, rules of conduct or subjection to a probation officer, he or she may, even without deprivation of liberty, adapt his or her conduct to social norms and a life without crime.

Under the conditions set forth in the preceding paragraph, the judge may suspend the enforcement of a measure involving deprivation of liberty, the duration of which shall not exceed two years,
when enforcement with a view to the adolescent's development is not necessary.

The suspension may not be limited to part of the measure, and for this purpose, the deprivation of liberty served in preventive detention or other forms of deprivation of liberty shall not be taken into account.

El The judge shall determine a probation period of not less than one year, which shall be counted from the date of the final judgment. The probation period may subsequently be reduced or extended.

**Article 209.- RULES OF CONDUCT AND IMPOSITIONS.**

In order to exert an educational influence on the adolescent's life, the judge shall order rules of conduct for the duration of the probation period. The judge may also impose obligations. These measures may be decreed or modified at a later date.

When the adolescent promises to respect certain rules of conduct or offers certain services intended to satisfy the victim or society, the
judge may suspend the application of rules of conduct and obligations, where appropriate. * the promise is expected to be fulfilled.

**Article 210.- PROBATION COUNSELLING.**

The judge shall order that the adolescent be subject to the supervision and guidance of a probation counsellor. The counselling shall last for a maximum of two years. During the probation period, the order may be repeated, but the total duration of the counselling may not exceed two years.

The probation officer shall provide support and care to the adolescent. With the judge's agreement, he or she shall supervise compliance with the rules of conduct and impositions, as well as promises. In addition, he or she shall submit reports to the judge on the dates determined by the latter and shall notify him or her of serious or repeated violations of the rules of conduct, impositions and promises.

The probation officer shall be appointed by the judge, who may give him or her instructions for the performance of his or her duties.

The advisory role shall generally be performed by civil servants. However, the judge may appoint representatives of entities or persons outside the civil service.

**Article 21 1.- REVOCATION.**

The judge shall revoke the suspension when the adolescent:

a) during the probation period or the period between the time the sentence became final and the decision on the suspension, and has
has a punishable act punishable act, demonstrating with that that not
has complied the expectation that justified the suspension;

b) seriously or repeatedly violates rules of conduct or deviates from the support and care of their probation officer, thereby giving rise to the likelihood that they will reoffend; or

c) seriously or repeatedly failed to comply with the obligations.

The judge shall refrain from revocation when it is sufficient to:

a) to order other rules of conduct or impose other obligations;

b) extend the probation period to the maximum sentence; or,

c) return to order before the end del operiod, the subjection to an ass or of

The services rendered by the convicted person in compliance with the rules of conduct, obligations or promises shall not be reimbursable.

**Article 212.- TERMINATION OF THE MEASURE DEPRIVING LIBERTY.**

Once the probation period has elapsed without the suspension being revoked, the measure shall be deemed to have been terminated.

**Article 213.- ON SUSPENSION OF THE SENTENCE TO THE MEASURE OF OF FREEDOM.**

When, after exhausting all possibilities of investigation, it is not clear whether the punishable act committed by the adolescent demonstrates the existence of harmful tendencies that indicate the need for a custodial measure, the judge may issue a verdict of reprehensibility and postpone the decision on the custodial measure for a probationary period set by him.

The probation period shall be no less than one year and no more than two years.

During the probation period, the adolescent shall be subject to a probation officer.

**Article 214.- APPLICATION** AND **TERMINATION OF THE** MEASURE.

When, especially due to the adolescent's bad behaviour during the probation period, it is demonstrated that the act indicated in the verdict is linked to harmful tendencies of such a degree that the measure is necessary, the judge shall order its application for the period determined at the time of the verdict, having certainty about the existence of these tendencies.

When, at the end of the probation period, the conditions indicated in the previous paragraph are not met, the measure shall be deemed to have expired.

**Article 215.- ENFORCEMENT OF THE DEPRIVATION OF** LIBERTY **MEASURE**

Measures depriving liberty shall be enforced in accordance with educational needs and possibilities in closed or semi-open regimes, seeking to promote treatment that allows adolescents to learn to live in freedom without committing punishable acts. To this end, adolescents shall be encouraged to have contact with the outside world and to participate in educational and social training programmes.

## CHAPTER V
## MULTIPLE OFFENCES

**Article 216.- MULTIPLE PUNISHABLE ACTS.**

Even if the adolescent has committed several punishable acts, the judge shall punish them in a unified manner, combining, in their case, the different socio-educational, correctional or custodial measures appropriate, in order to seek the best possible treatment. The maximum limits of the custodial measure provided for in this Code may not be exceeded.

Where dO Gon prior to and with a sentence

a) I aya siüo issued a verdict of culpability; or,

b) If a socio-educational measure has been ordered, the imposition of an obligation or a custodial measure that has not yet been fully enforced or otherwise terminated, the judge, incorporating the previous sentence, shall also determine the applicable measures in a unified manner.

If advisable for educational reasons, the judge may dispense with incorporating previously tried punishable acts into the new sentence.

When orders a custodial measure, may declare as extinct socio-educational or correctional measures provided for in the previous sentence.

**Article 217.- ON THE PLURALITY OF ACTS COMMITTED AS A ADOLESCENT AND** AS AN ADULT.

In the event that the same proceedings involve several punishable acts which, due to their duration, would partly fall within the scope of this Code and partly within the scope of ordinary criminal law, this Code shall apply when, considering all the acts committed, those subject to this Code are more relevant. Otherwise, only ordinary criminal law shall apply.

## CHAPTER VI
## REVIEW AND MONITORING OF MEASURES

**Article 218.- SUPERVISION OF MEASURES.**

The Criminal Judge for the Enforcement of Measures shall monitor the compliance with the measures and their purposes for the achievement of their objectives. When necessary necessary to the good of • adolescent, may, after report from experts in the the and in the conditions * set forth in this Code, modify, replace or revoke the measures ordered.

Monitoring shall be carried out ex officio and at least every three months.

The Criminal Enforcement Judge shall also act at the request of the adolescent, his or her father, mother, guardian or person responsible, and at the request of the director of the institution where the adolescent is located. The repetition of a request shall be valid when new facts are alleged that justify it.

**Article 219.- CONTINUATION OF MEASURES.**

When the adolescent reaches the age of eighteen:

a) A socio-educational measure in force shall be revoked when there is no need for its continuation due to the fulfilment of its objectives. In all cases, the socio-educational measure shall end when the adolescent reaches the age of twenty; and

b) a measure of imposition imposing obligations will cumplicontinueuntil its total implementation, unless the Criminal Enforcement Judge revokes it for greater interest of the adolescent.

The custodial measure shall last for the maximum period established in the respective sentence, even if the adolescent reaches the age of eighteen.

In the event of a custodial sentence, the Criminal Enforcement Judge shall consider the possibility of ordering conditional release and shall grant it, applying Article 51 of the Criminal Code. ”

**Article 220.- EXTINCTION.**

The measures imposed on the adolescent shall be terminated:

a) upon reaching their term;

upon fulfilment;

c) upon the death of the adolescent;

d) by amnesty or pardon; and

e) upon expiry of the statute of limitations.

**Article 221.- STATUTE OF LIMITATIONS.**

The statute of limitations for the action shall be governed by the rules established for this purpose in the Criminal Code, except with regard to time limits. In all cases, the action shall be time-barred after a period equal to the maximum duration of the custodial measure.

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**TITLE II**
**PROCEDURE IN THE CRIMINAL JURISDICTION FOR ADOLESCENTS**

CHAPTER I
JURISDICTION AND COMPOSITION

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**Article 222.- OF THE COMPETENCE OF THE SUPREME COURT** OF JUSTICE IN **PROCEEDINGS INVOLVING ADOLESCENTS.**

The Supreme Court of Justice has jurisdiction to:

a) hear and decide on appeals, in accordance with the provisions of the relevant article;

b) hear disputes over jurisdiction arising between the courts established in this Code; and

c) other duties and powers assigned to it by this or other laws.

**Article 223.- THE CRIMINAL APPEALS COURT FOR ADOLESCENTS.**

El The Juvenile Criminal Court of Appeal shall have jurisdiction to:

a) conocer en second instance of the appeals that they interposed, conf orme to the Criminal Procedure Code;

bl resolve the challenges that are and and the competition issues of jurisdiction that arise within the process regulated by this Code; and,

c) any other functions assigned to it by this Code or other laws.

Article 224.- THE JUVENILE CRIMINAL COURT.

The Juvenile Criminal Court shall be composed of a single judge or a panel of judges, as provided for in this article.

The Juvenile Criminal Court shall have jurisdiction to:

a) hear, in the first instance, cases involving acts classified as crimes under ordinary criminal law and attributed to adolescents;

b) hear, in the first instance, as a collegiate court, cases involving acts classified as crimes under ordinary criminal law and attributed to adolescents;

c) seeking and conducting, where appropriate, conciliation; and

d) be aware of other aspects established by this Code or other laws.

**Article 225.- ON THE REQUIREMENTS SPECIAL FOR JUDGES, PROSECUTORS AND PUBLIC DEFENDERS.**

The Judges, Prosecutors and public defenders Public who are involved in proceedings '.iii to adolescents should meet the general requirements for their position. In addition, they should have special experience and skills in the areas of comprehensive protection, education and human rights, especially for persons deprived of liberty.

**Article 226.** - **THE JUDGE RESPONSIBLE FOR THE IMPLEMENTATION OF MEASURES.**

The enforcement judges provided for in the Criminal Procedure Code shall be responsible for enforcing the final measures adopted by juvenile criminal judges.

Article 227.- **FUNCTIONS** OF THE **JUSTICE** OF THE PEACE.

The Justice of the Peace shall have jurisdiction to hear matters conferred upon him or her and established in the Criminal Procedure Code.

Article 228.- THE CRIMINAL **PROSECUTOR** IN **JUVENILE PROCEEDINGS.**

The Criminal Prosecutor in juvenile proceedings shall exercise his or her functions in accordance with the provisions of the Code of Criminal Procedure and the Organic Law of the Public Prosecutor's Office.

Article 229.- THE PUBLIC DEFENDER IN **ADOLESCENT** PROCEEDINGS.

The Ddefence Public shall ensure for the interest of adolescent functions and will have the in this Code and in the Code of Judicial Organisatior

ü.r.fcr!u 230.- DE THE FUNCTIONS OF **THE POLICE IN THE** PROCESSES OF ADOLESCENCE.

**ADOLESCENCE.**

For the purposes of applying the provisions relating to offences against the Lawcriminalcommitted by adolescents, contained in this Law, the National Police shall have specialised staff to effectively carry out the objectives established therein.

## CHAPTER II
## SPECIAL RULES

Article 231.- **APPLICABLE RULES.**

The prosecution of a juvenile for committing a punishable offence shall be governed by the provisions of the Code of Criminal Procedure, unless this Code provides otherwise.

Article 232.- **PROVISIONAL** MEASURES**.**

Until the sentence becomes final, the Juvenile Criminal Court may order provisional measures to promote education and guarantee the necessary benefits for the defendant's livelihood.

The Juvenile Criminal Court may order the temporary placement of the adolescent in a suitable home, pending the final measures resulting from the proceedings, if this is advisable to protect the adolescent from influences harmful to his or her development and the present danger of further criminal acts.

**Article 233.- PREVENTIVE DETENTION.**

The imprisonment of a juvenile may be ordered only when the provisional measures provided for in Article 232, first paragraph, of this Code do not achieve their purpose. When considering the proportionality of the measure, the emotional burden that its execution implies for the juvenile shall be taken into account. If preventive detention is ordered, the order must expressly state the reasons why other measures, in particular temporary placement in a home, are not sufficient and why preventive detention is not disproportionate.

If the adolescent is under the age of sixteen, preventive detention may be ordered on the grounds of flight risk, only when the adolescent:

a) they have already absconded in the same proceedings or are making concrete preparations to abscond; or

b) they have no ties to the community.

- Article 234.- REMISSION.

In the preparatory stage, and with the consent of the Court, the Prosecutor may dispense with the criminal , when it from the conditions indicated in the

- Article 19 of the Criminal Code or when the educational measures pertinent ‘ç.

Under the conditions set forth in the preceding paragraph, the Juvenile Criminal Court may dispense with criminal prosecution at any stage of the proceedings.

Article 2. RESERVATION.

Administrative and judicial proceedings shall be confidential. No certificates or records of the proceedings shall be issued, except those requested by the parties in accordance with their legal rights.

The oral hearing, including the publication of the decisions, shall not be public. The parties and their legal and conventional representatives shall be admitted, if applicable, as well as, where appropriate, the evidence advisor and a representative of the institution where the adolescent is housed. For special reasons, the Juvenile Criminal Court may also admit other persons.

Persons involved in the proceedings or attending the trial shall maintain confidentiality and discretion regarding the investigations and actions carried out.

**Article 236.- VERIFICATION OF AGE.**

If, during the course of the proceedings, it is verified that the person accused of a criminal offence was over eighteen years of age at the time of its commission, the Juvenile Criminal Court shall declare itself incompetent and refer the case to the appropriate Criminal Court.

If the child is under fourteen years of age, the proceedings shall be terminated and the Municipal Council for the Rights of Children and Adolescents
(CÇ DENI) of the municipality where the child resides, so that it may intervene.

**Article 237.- SPECIAL EXTENSION OF JURISDICTION.**

If the person who whom is charged charged a punishable punishable committed during adolescence, was prosecuted after reaching the age of eighteen, but
.before of reaching twenty twenty- of age, the jurisdiction of the Court
:' ” . 'Criminal of the Adolescence until completing the process, provided that there has been no statute of limitations on the
: "

In the case provided for in the preceding paragraph, if the accused is twenty years of age or older, jurisdiction shall lie with the ordinary criminal courts, and the general criminal provisions shall apply, except in relation to the duration of the sentence, which shall be governed by the provisions of this Code.

**Article 238.- REFERRAL OF CASE FILES TO THE OMBUDSMAN.**

E) Juvenile Criminal Court before which proceedings are being conducted in relation to a punishable offence committed by a juvenile, at the request of the intervening prosecutor, when it considers that the father, mother, guardians or persons responsible for the adolescent have committed an offence and there are legal grounds for the deprivation or suspension of parental authority or removal of custody, shall refer the case to the Ombudsman for Children and Adolescents of the jurisdicció , so that the corresponding proceedings may be brought.

Article 239.- RESOLUTION.

After the trial, the Juvenile Criminal Court shall issue a ruling which shall:

a) acquit the adolescent, revoke the measures imposed and order the definitive closure of the case file; or

b) convict the adolescent and impose the appropriate penalties.

The decision must be duly substantiated.

Article 24O.- **NOTIFICATION** OF THE DECISION.

The operative part of the judgment shall be notified personally to the parties at the same hearing, without this exempting the Court from providing the corresponding grounds, which must be set out in writing.

**Article** 241.- ON **THE TERMINATION AND EARLY CONCLUSION** OF THE PROCEEDINGS.

The proceedings shall be terminated early:

a) in accordance with the procedures established in the Criminal Procedure Code; and,

b) by referral.

Article 242.- REMISSION.

In all stages of the proceedings, the Criminal Court of the Criminal Adolescence may examine the possibility of not continuing the process, when the punishable act is punishable under criminal law with a custodial sentence not exceeding two years, based on the degree of responsibility, the damage caused and the reparation of the

In this case, he shall summon the parties to a joint hearing and, with their prior agreement, resolve the matter by referring the adolescent to community programmes with the support of his family and under the supervision of the institution that carries them out. If there is no agreement between the parties, he shall

the proceedings shall continue.

Article 243.- ADMISSIBILITY OF THE APPEAL.

The appeal shall be lodged against the decisions handed down by the Juvenile Criminal Court in accordance with the provisions of the Criminal Procedure Code.

Article 244.- APPEAL.

An appeal shall be admissible exclusively:

a) when the sentence imposes a custodial sentence of more than three years and alleges non-compliance with or misapplication of a constitutional provision; and,

b) under the other conditions set forth as in the Code of Criminal Procedure.

Article 247. ON OPERATION.

Detention centres for adolescents shall operatein(premises) that aresuitable, with staff trained in social, educational andlegalmatters.

Schooling, vocational training and recreation must becompulsoryin such centres, where special attention must also be paid tothe adolescent'sfamilygroup, with the aim of preserving and fostering family ties andtheirreintegrationinto their family and society.

**Article 248.- INTERNAL REGULATIONS.**

The internal regulations of each centre must respect the rights andguarantees recognised in this Law.

^ o Upon admission to the Centre, the adolescent must receive a copy of the internal regulations and a brochure that clearly and simply explains their rights and obligations.If ' they cannot read, the information shall be communicated to them in anunderstandablemanner. recorded record in the file of delivery delivery or of that it you has provided this information.

## TITLE III

SINGLE CHAPTER

## TRANSITIONAL PROVISIONS AND EFFECTIVE DATE

**Article 249.- RULES FOR THE HIGHER COURTS.**

Upon entry into force of this law, the Courts and the Supreme Court of Justice, as applicable, shall review ex officio all proceedings under their jurisdiction, in accordance with the following rules:

a) Proceedings initiated or resolved involving minors in a state of material or moral abandonment or moral abandonment, danger or risk, and other actions related to such 'states or any other act not regulated as an offence or crime, shall be referred within a period not exceeding thirty days to the National Secretariat r Niñez y la Adolescencia (National Secretariat for Children and Adolescents);

b) Proceedings pending, based on acts regulated as offences or crimes, against adolescents who, at the time of the commission of the act, were between fourteen and eighteen years of age, shall continue to be processed in accordance with the provisions of this Law and shall be resolved in accordance with it; and, where appropriate, an investigation or extension shall be requested.
. of this, to the Attorney General's Office of the State, or a preliminary hearing will be scheduled for
the trial of the case, which must be held within a period not exceeding sixty days. The proceedings concluded with respect to these adolescents shall be reviewed when the measure is being carried out, in order to bring them into line with the present law, within the period provided for the review of the measures; and,

c) The criminal criminal with conviction final and and cumpli sentence, handed down by the Court, shall be reviewed with respect to the ten sentence the penalties or measures established in this law that ás favorables al condenado