

(S. B. 148)

**(No. 29-2021)**

(Approved August 24, 2021)

## **AN ACT**

To amend subsection (z) of Section 3 of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” in order to establish that every person or student eligible for, and currently receiving services under the Department of Education’s Special Education Program, shall be considered a “minor” for purposes of the application of the Act until such person or student attains the age of twenty-one (21), inclusively; and for other related purposes.

## **STATEMENT OF MOTIVES**

It has been the public policy of the Government of Puerto Rico for several decades to establish special protections to protect the dignity of, and ensure equal opportunities for, persons with disabilities, as directed in Article II of the Constitution of Puerto Rico. Subsection (12) of Section 2 of Act No. 51-1996, as amended, known as the “Integral Educational Services for Persons with Disabilities Act,” defines the term “Persons with Disabilities”

as infants, children, youths and adults through 21 years of age, who have been diagnosed with one or several of the following conditions: mental retardation; hearing impairments including deafness; speech or language problems; visual impairments including blindness; severe emotional disorders; orthopedic problems; autism; deaf-blindness; brain damage caused by trauma; other health conditions; specific learning problems; multiple disabilities and who, because of their disabilities, require special education and related services. It also

includes developmental delay in infants from birth through the age of 2.

Said Act provided for the creation of a multidisciplinary team charge with the identification, placement, registration, and evaluation of persons with disabilities or with likelihood to having a disability, within or outside of the schools, from birth through the age of 21, inclusively.

However, the “Child Safety, Well-being, and Protection Act,” as amended, expressly protects minors until the age of eighteen (18), and fails to specifically recognize the legal protections that children with functional disabilities between eighteen (18) and twenty-one (21) years of age, inclusively, might need, given the child abuse and endangerment scenarios included in said statute. As part of its commitment to persons with disabilities, the Legislative Assembly of Puerto Rico has determined to extend the rights, protections, and care that the “Child Safety, Well-being, and Protection Act,” only provided to children who had not attained the age of eighteen (18), to every person or student eligible for, and currently receiving services under the Department of Education’s Special Education Program until such person or student attains the age of twenty-one (21), inclusively. In this manner, we conform the applicable laws and guarantee equal protection of the laws to persons with disabilities who are in the process of obtaining a formal education, so that they continue to be protected when faced with situations of child abuse and endangerment after they attain the age of eighteen (18).

***BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:***

Section 1.- Subsection (z) of Section 3 of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” is hereby amended to read as follows:

“Section 3.- Definitions.

For purposes of this Act, the following terms shall have the meanings set forth below, unless the context clearly states otherwise:

- (a) ...
- (b) ...
- (c) ...
- (d) ...
- (e) ...
- (f) ...
- (g) ...
- (h) ...
- (i) ...
- (j) ...
- (k) ...
- (l) ...
- (m) ...
- (n) ...
- (o) ...
- (p) ...
- (q) ...
- (r) ...
- (s) ...
- (t) ...
- (u) ...
- (v) ...
- (w) ...
- (x) ...
- (y) ...

(z) “Minor”- shall mean any person who is not yet eighteen (18) years of age or any person or student eligible for, and currently receiving services under the Department of Education’s Special Education Program or who has been diagnosed by a physician with a medical, mental or emotional condition that limits or impairs his development or learning ability, until such person attains the age of twenty-one (21), inclusively.

(aa) ...  
...”

Section 2.- Severability Clause

If any provision of this Act or the application thereof were held to be unconstitutional or void, such holding shall not affect the enforceability and effectiveness of all other provisions thereof.

Section 3.- Effectiveness

This Act shall take effect upon its approval.

## CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 29-2021 (S. B. 148)** of the **2<sup>nd</sup> Regular Session** of the **19<sup>th</sup> Legislative Assembly of Puerto Rico**:

**AN ACT** amend subsection (z) of Section 3 of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” in order to establish that every person or student eligible for, and currently receiving services under the Department of Education’s Special Education Program, shall be considered a “minor” for purposes of the application of the Act until such person or student attains the age of twenty-one (21), inclusively; and for other related purposes.

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, on this 28<sup>th</sup> day of January, 2022.

Mónica Freire-Florit, Esq.  
Director