

(S. B. 736)

**(No. 89-2019)**

(Approved August 1, 2019)

## **AN ACT**

To add a new paragraph (3) to subsection (i) of Section 7 of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” in order to provide that the Department of the Family shall be responsible for notifying the Puerto Rico Police to issue an “AMBER Alert” in cases of suspected abduction of children whose physical custody is with the Department; and for other related purposes.

### **STATEMENT OF MOTIVES**

The purpose of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” is to protect our children and youth from negligent acts related to their care and attention. These acts may be intentional or by omission, and are penalized in our society to protect a defenseless group thereof: our children.

The State is the entity responsible for protecting the rights of our children and guaranteeing their welfare, ensuring that they develop and grow in a safe and stable environment. Pursuant to this legislation, the State must guarantee the safety and protection of the minors under its custody, whether it is physical, temporary, or permanent. Thus, the responsibility of ensuring the physical and emotional integrity of these children is imposed thereon.

From a reading of the Act, it is not clear which Government agency is required to notify the disappearance or possible abduction of a minor who is under the custody of the State. It is necessary to clarify and clearly define which agency is responsible for activating the necessary mechanisms to locate a minor that could have been kidnapped.

This Legislative Assembly recognizes the need for imposing on the Department of the Family the responsibility to notify the abduction of a minor under its custody to the Puerto Rico Police, and in turn, recognize the right of non-custodial parents who have been responsible and diligent in the care of their children, to intervene, present evidence, and be heard in child abuse proceedings involving their children.

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

Section 1.- A new paragraph (3) is hereby added to subsection (i) of Section 7 of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” to read as follows:

“Section 7.— Duties of the State.

The State constitutes the institutional setting in the comprehensive development of children. To comply with its duty, it shall:

(a) ...

(b) ...

(i) Department of the Family

(1) ...

(2) ...

(3) The Department of the Family shall be responsible for notifying the Puerto Rico Police Bureau to issue an ‘AMBER Alert’ in cases of suspected abduction of a minor or minors whose physical custody is with the Department of the Family.”

Section 2.- The Department of the Family shall draft regulations as are necessary to comply with the purposes of this Act, within a period not to exceed thirty (30) days from the effective date thereof.

Section 3.- This Act shall take effect sixty (60) days after its approval.