

(S. B. 941)

(No. 122)

(Approved May 7, 2003)

AN ACT

To add a new subsection (e) to Section 2.7 of Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act," to establish that when a Protection Order is issued, involving a minor and imposing payment of support for the minors, when their custody has been adjudicated to the applicant, or for the minors and the applicant when there is a legal obligation of doing so, the same must be notified to the Child Support Administration (ASUME, Spanish acronym) to take notice of the imposition of such support.

STATEMENT OF MOTIVES

Act No. 5 of December 30, 1986, as amended, created the Child Support Administration, with the purpose of specifically dealing with matters related to the support to which minors are entitled. This Act, besides guaranteeing said right, promotes mechanisms that facilitate the flow of support. The Statement of Motives of the referenced Act sets forth the right to receive support as imbued with high public interest. This interest has been acknowledged by our highest Court. The duty to support minors is based on the right to life itself, characterized as inherent to the person itself.

Support payments are the means through which the minor's need for support is met. Their effectiveness is fundamental to be able to quickly and adequately face all the minor's needs. Public interest demands that the procedures used promote, not only the rights already mentioned, but also

that they ensure a flexible and orderly structure that attains its purpose, which is the minor's adequate support.

The protection order issued in cases under Act No. 54 of August 15, 1989, as amended, can deal with the adjudication of provisional custody of children, eviction from the home, abstention from acts of abuse, persecution, threats or intimidation, staying away from the victim, payment of support for the applicant's children, prohibiting the disposal of assets, indemnity for damages, and other provisional measures.

The Department of the Family acknowledges that "domestic violence is one of the many instances that furthers the separation of the couple, with the resulting displacement of the minors towards the custodian parent, and the establishment of support for the non-custodial parent. Also, the Child Support Administration "has a great concern, and at the same time a commitment towards the safety of persons and children who have been the object and victims of domestic violence."

This legislative measure places the Department of the Family, especially the Child Support Administration, in a protective position, since it shall allow them to gather information from cases tried under Act No. 54, supra, where support for minors is ordered, thus allowing the agency to take notice of the same and make its strict compliance viable.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.- To add a new subsection (e) to Section 2.7 of Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act" to read as follows:

"Section 2.7.- Notification to the parties and agencies of the public order and of the well-being of minors.

(a) ...

(b) ...

(e) The Office of the Secretary of the Court shall send to the Child Support Administration of the Department of the Family, copies of the protection orders providing for a minor's support payment, in conformity with the provisions of subsection (e) of Section 2.1 of this Act.”

Section 2. - This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 122 (S.B. 941) of the 5th Session of the 14th Legislature of Puerto Rico:

AN ACT to add a new subsection (e) to Section 2.7 of Act No. 54 of August 15, 1989, as amended, known as the "Domestic Abuse Prevention and Intervention Act," to establish that when a Protection Order is issued, involving a minor and imposing payment of support for the minors, when their custody has been adjudicated to the applicant, or for the minors and the applicant when there is a legal obligation of doing so, the same must be notified to the Child Support Administration (ASUME, Spanish acronym) to take notice of the imposition of such support,

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

In San Juan, Puerto Rico, today 15th of April of 2004.

Elba Rosa Rodríguez-Fuentes
Director

