

(H. B. 873)

(No. 181-2018)

(Approved August 5, 2018)

AN ACT

To amend paragraph (7) of subsection (a) of Section 7 of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” in order to empower School Social Workers to file complaints with the Puerto Rico Police when they identify a situation where child abuse, institutional abuse, negligence, and/or institutional negligence is occurring or suspected; direct the Secretary of the Department of Education to adopt administrative measures as are necessary to enforce this Act; and for other related purposes.

STATEMENT OF MOTIVES

Children are the foundation and the future of our society; therefore, it is our duty to care for and protect them, and guarantee their safety at all times. Our children deserve to live in homes that are free of abuse and where they are protected. It is the public policy of this Administration to safeguard minors from any kind of abuse or neglect caused by their parents or caretakers, or by institutions responsible for serving them. The fact that our children may find themselves defenseless when facing adults that intend to harm them justifies that the State takes necessary actions to protect them from such persons.

Child abuse adversely affects our children’s development; therefore, professionals have the legal and ethical obligation to identify and report any situation that may raise suspicion that a child is being abused.

Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” seeks to strengthen strategies to prevent child abuse, including domestic violence. It establishes as public policy the right of children to living conditions that promote their full development, enjoyment of life, and safety, among others.

Section 7 of Act No. 246-2011, as amended, *supra*, provides and expressly directs the Department of Education of Puerto Rico to comply with its duties, among others:

- 1.- Guarantee the exercise of all the rights of children.
- 2.- Ensure conditions for the exercise of children’s rights, and prevent such exercise from being threatened or affected through the design and execution of child and youth-related public policies.
- 3.- Ensure the protection and effective reestablishment of any right that has been impaired.
- 4.- Resolve recourses, petitions, and judicial actions involving minors with priority.

The main purpose of the School Social Work Program, created in 1928, is to prevent, reduce, and eliminate personal, family, and school environment factors that adversely affect the students’ social adjustment and academic achievement and is geared to meet the students’ biopsychosocial needs.

At present, when the Department of Education identifies a situation warranting a referral to the Department of the Family, it must wait for the representative of the Department of the Family to investigate the case. Only if the representative of the Department of the Family fails to appear during school hours, the personnel of the Department of Education may request a state or municipal police officer to escort the student to the Court of First Instance to wait for the case investigator.

This causes unnecessary delays in the process of protecting the child. There is not reasonable justification for perpetuating said practice, therefore, it requires our attention and immediate action to ensure that the process conducted is consistent with intent and purpose of this Act.

Thus, the intent of this legislation is to empower School Social Workers to file complaints with the Puerto Rico Police when situations where child abuse, institutional abuse, negligence, and/or institutional negligence is occurring or suspected are identified. In this manner, the unnecessary bureaucracy in the process of handling child abuse, institutional abuse, negligence, and institutional negligence is eliminated.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF PUERTO RICO:

Section 1.- Paragraph (7) of subsection (a) of Section 7 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 7.- Duties of the State.

...

The Department and the agencies of the Government of Puerto Rico shall develop and adopt the regulations and necessary collaboration agreements to implement this chapter, as provided below:

(a) Department of Education.

(1) ...

(7) Facilitate the investigation of and intervention in institutional abuse and institutional negligence referrals and cases. A School Social Worker may file complaints with the Police when he identifies or receives referrals of situations where child abuse, institutional abuse, negligence, and/or institutional negligence is occurring or suspected. Furthermore, a school social worker who is handling abuse cases shall communicate periodically with the Social Workers of

the Department of the Family, so that they may actively participate in the intervention protocol designed for the referred child and his family, including the abuser.

...”

Section 2.- The Secretary of the Department of Education shall adopt administrative measures as are necessary to enforce this Act.

Section 3.- This Act shall take effect immediately after its approval.

CERTIFICATION

I hereby certify to the Secretary of State that the following **Act No. 181-2018 (H. B. 873)** of the **3rd Regular Session** of the **18th Legislative Assembly of Puerto Rico**:

AN ACT to amend paragraph (7) of subsection (a) of Section 7 of Act No. 246-2011, as amended, known as the “Child Safety, Well-being, and Protection Act,” in order to empower School Social Workers to file complaints with the Puerto Rico Police when they identify a situation where child abuse, institutional abuse, negligence, and/or institutional negligence is occurring or suspected; direct the Secretary of the Department of Education to adopt administrative measures as are necessary to enforce this Act; 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 29th day of July, 2019.

Orlando Pagán-Ramírez
Director