

“Child Support Administration Organic Act”

Act No. 5 of December 17, 1986, as amended

(Contains amendments incorporated by:

Act No. 47 of August 5, 1989

Act No. 40 of July 31, 1991

Act No. 14 of June 24, 1991

Act No. 67 of August 14, 1991

Act No. 72 of September 22, 1992

Act No. 86 of August 17, 1994

Act No. 202 of August 12, 1995

Act No. 71 of July 11, 1996

Act No. 169 of December 18, 1997

Act No. 180 of December 20, 1997

Act No. 56 of March 10, 2000

Act No. 1 of January 3, 2002

Act No. 178 of August 1, 2003

Act No. 299 of September 15, 2004

Act No. 72 of August 25, 2005)

(Amendments non-incorporated:

Act No. 212 of December 21, 2010

Act No. 219 of December 29, 2010

Act No. 232 of December 30, 2010)

Act No. 30 of January 18, 2012)

STATEMENT OF MOTIVES

It is the public policy of the Commonwealth of Puerto Rico that parents or legally obligated persons assume their responsibilities towards their children.

The abandonment by one or both parents of their obligations towards their children is the result or the continuing deterioration of social values that culminates in the disintegration of the family unit. Statistics show that the divorce rate has doubled since 1960, leaving a great number of children in single-parent homes. In the past decade, the number of households headed and supported by only one parent increased 97 percent, 90 percent of whom were women. Between 1970 and 1979, the number of children born out of wedlock increased 50 percent and it is estimated that 40 percent of the marriages contracted during 1980 will end in divorce.

Families headed and supported by a single parent, almost always the woman, have become a new, alarming and particularly significant factor in the national statistics on extreme poverty. Furthermore, this type of family group represents an increasingly greater social

obligation. Almost 87 percent of the recipients of economic assistance are eligible for the program's benefits due to the absence or desertion of one of the minor's parents. If we consider the fact that approximately one third (1/3) of the Puerto Rican families have children under 18 years of age it is easy to conclude that the aforementioned situation adversely affects a great part of our minor population.

To the aforementioned, we can add that the statistics of the Economic Assistance Program show that more than 60 percent of the absentee parents do not fulfill their obligation of providing regular support for their children. Worse yet, if a minor receives economic assistance the rate of delinquency of the absentee parent becomes more dramatic. When the state takes on the responsibility of child support, the negligence of the legally responsible relatives in complying with their support obligation is notable.

Studies carried out in other jurisdictions, corroborated by the experience in Puerto Rico, show that in the majority of the cases of noncompliance with support payments there are economic means to meet this obligation.

Strengthening the systems of determination, collection and distribution of child support, especially for our abandoned children, is an integral part of the public policy. It is, likewise, a part of this policy to recover the public funds used to support our minors.

In order to achieve compliance of this public policy, legislation has been enacted on several occasions for different purposes but always with the same goal in mind. Our legislation has often been made to harmonize with applicable federal legislation. Fair, expedient and economical procedures have also been created that guarantee the payment of support for this important and dependent sector of our society: minors and, especially abandoned children.

A new incentive is now offered to that collective determination to demand and watch over the fulfillment of the obligation of providing support for our children. The approval of this special act brings together in one single and unique body, independent and separate from the Organic Act of the Department of Social Services, certain procedures that we trust will expedite the proceedings and help to guarantee the payment, collection and distribution of child support to our abandoned children once such payment is fixed or established.

Be it enacted by the Legislature of Puerto Rico:

Article I. — Name.

Section 1. — **Short Title.** (8 L.P.R.A. § 501 note)

This act shall be known and may be cited as the "Child Support Administration Organic Act".

Article II. — Definitions.

Section 2. — **Definitions.** (8 L.P.R.A. § 501)

For the purposes of this Act, the following terms shall have the meanings stated hereinbelow:

(1) Title IV-D Agency — Agency for the enforcement of the state child support program established under Title IV-D of the Federal Social Security Act. The Administration is the appointed Title IV-D Agency to enforce compliance with child support obligations in Puerto Rico.

(2) Administration — The Child Support Administration created by this Act and known by its acronym in Spanish, ASUME.

(3) Administrator — The Administrator of the Child Support Administration, appointed pursuant to the dispositions set forth of this Act.

(4) Obligor — Means any person who, pursuant to the applicable provisions of law, is obliged to provide child support and health insurance coverage.

(5) Oblige — Means any person who, pursuant to the applicable provisions of law, is entitled to receive child support and health insurance coverage, including any agency of the Commonwealth of Puerto Rico, or of any other jurisdiction, to which a person has assigned his/her support rights and the former has supplied same.

(6) Indebted Obligor — Means any natural person having the legal obligation to pay child support who is in arrears in the payment of the support for an amount equal to one (1) month or more.

(7) Public Assistance — Comprises temporary federal and state assistance providing funds for the expenses of minors, to be recovered from the obligor.

(8) Account — Means any type of account in a financial institution, including checks, deposits, savings, mutual funds, pensions, shares, bonds, certificates of deposit, credit reserves, lines of credit, credit cards and other similar instruments.

(9) Department — Means the Department of the Family of the Commonwealth of Puerto Rico.

(10) Arrears — Means the total amount of child support payments due and unpaid, including interest and incidental costs of the process and the health insurance coverage payments in those cases in which such payments are imposed.

(11) Workday — Day in which the Government offices of the Commonwealth of Puerto Rico are open to render regular services.

(12) Employee — Means any person who is considered to be employed pursuant to the definition of this term in Chapter 24 of the Federal Internal Revenue Code of 1986, excluding federal, state and Commonwealth employees that perform duties of counterintelligence, if the chief of said agency has determined that information pertaining to such employees, pursuant to the provisions established in this Act, may compromise the safety of the employee or any intelligence investigation or mission in progress.

(13) Financial Institution — Means any bank or savings association; federal or state cooperative savings and credit union; benefits, savings or pensions association; savings or pensions fund; insurance, mutual funds, stocks or bonds company; or similar others.

(14) Factual Error — In the context of appeals to the orders of the Administrator to the administrative judge, an error in the amount of the payment current or in arrears, or in the identity of the alleged obligor.

(15) State — One of the United States, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, or any territory or possession subject to the jurisdiction of the United States. The term also includes:

(a) Any Native American tribe, and

(b) any foreign jurisdiction or country that has decreed or established procedures to promulgate and enforce support orders that are substantially similar to the procedures set forth in this Act.

(16) **Income** — Means any earnings, benefits, profits and revenues derived from salaries, day wages, or compensation for personal services, including remuneration received for services rendered as an official or employee of the Commonwealth of Puerto Rico, the Government of the United States, the District of Columbia, the United States Virgin Islands, or any territory or possession subject to the jurisdiction of the United States, as permitted by applicable federal laws and regulations of any state of the union of the United States, or any political subdivision thereof, or of any agency or instrumentality of any of the aforementioned entities, in whatever way the payment is made; or from professions, occupations, industries, businesses, trade or sales; or property ventures, whether real or personal, that arise from the possession or use of the interest in such property; as well as those derived from the interest, rents, dividends, partnerships, securities, or the operation of any business operated for gain or profit; and earnings, benefits, funds, emoluments or compensation derived from any source, including compensation as an independent contractor; unemployment compensation, disability compensation, retirement and pension benefits, or any other payment received by an obligor from any natural or juridical person.

(17) **Net Income** — Means the income available to the obligor after deductions for income tax, social security, and others mandated by law. To the effects of determining the net income, the following shall also be taken into account when the obligee is the beneficiary: deductions for retirement plans, associations, unions and voluntary federations, as well as deductions or payments for life or accident insurance policy premiums, or for health plan payments. The final determination shall be made in accordance with all available evidence, including estimates, studies and projections of income, expenses, lifestyle and any other pertinent evidence.

(18) **Administrative Judge** — Means an attorney appointed as provided [by] this Act, to intervene in adjudicative procedures regarding child support matters who is empowered, without it being understood as a limitation, to make findings of facts and conclusions of law, issue orders, resolutions and decrees with respect to child support, medical insurance coverage, collection or withholding of income, and certain controversies on filiation that arise within the expedited administrative procedure, and to take all those administrative measures for ensuring the payment of child support.

(19) **Administrative Judge Coordinator** — Means an administrative judge appointed as provided by this Act, who is in charge of the additional duty to coordinate and direct the administrative operations of the office of administrative judges.

(20) **Minor** — Means any person of an age that is less than the legal age set forth in the Puerto Rico Civil Code who is entitled to receive child support services under this Act.

(21) **Attachment Order** — Means any order, determination, resolution or mandate by a court of competent jurisdiction, or issued through the administrative procedure established in this Act, requiring the attaching and remitting to the court or the Administration, as the case may be, of any real or personal property, including income or funds in the hands of a third party, which belong to the delinquent obligor.

(22) **Support Order** — Means any determination, resolution, order, mandate or ruling to fix, modify, review or execute the payment of the support and health plan, issued pursuant to the

regulations and the Mandatory Guidelines to Fix and Modify Child Support in Puerto Rico adopted under this Act and the applicable federal legislation by a court of the Commonwealth of Puerto Rico, or through the administrative procedure established in this Act, or by a court or administrative body of any state or political subdivision of a territory or possession of the United States or the District of Columbia, duly empowered to issue it, or of a foreign country which has executed a reciprocity agreement.

(23) Withholding Order — Means any determination, resolution, order or mandate issued by a court of competent jurisdiction, or issued through the administrative procedure established in this Act, requiring an employer or disburser to withhold a given amount for child support or health plan expenses from the income of an obligor and to remit it to the Administration.

(24) Labor Organization — Has the meaning defined for the term in § 2(5) of the National Labor Relations Act, and includes any entity (or employment office) used by the organization and the employer to comply with the requirements set forth in § 8(F)(3) of the referenced law by agreement between the organization and the employer.

(25) Custodial Person — Natural or legal person, who could be a father, mother, relative or guardian, responsible for the daily care of the obligee and who administers the property of said obligee.

(26) Disburser or Employer — Means any natural or juridical, public or private person from whom an obligor is entitled to receive income, as defined in this section. For purposes of the State Register of New Employees, employer has the meaning set forth for said term in Section 3401 of the Federal Internal Revenue Code of 1986, and includes any government entity and any labor organization.

(27) Expedited Administrative Procedure — Means the speedy administrative procedure established in this Act to fix, modify, review and execute support orders and determine filiation, within the parameters of time established in the applicable federal legislation and regulation which ensures the right to due process of law for the affected parties.

(28) Expedited Legal Procedure — Procedure established in this Act to establish, modify, review and execute child support orders in the Court of First Instance, within the parameters set forth by the applicable federal legislation and regulations. As used in this section, an expedited procedure means a process that reduces the time to process an order to establish or modify a support order or to ensure the effectiveness of the child support payments in such a manner that ninety percent (90%) of the cases are resolved within a maximum term of three (3) months; ninety-eight percent (98%) of the cases are resolved within a term of six (6) months, and one hundred percent (100%) of the cases are resolved within a term of twelve months (12). The terms set forth in this section begin on the date in which the notification of the petition is filed, as established in Subsection (4) of Section 15 of this Act, until the date of its final resolution by the court.

(29) Deputy Prosecutor — Attorney appointed in accordance with this Act to represent the Administration in the rendering of child support services pursuant to this Act.

(30) Temporary Assistance Program — The Temporary Assistance to Needy Families Program (TANF) as established under the Title IV-A of the Federal Social Security Act.

(31) Genetic Testing — Chemical analysis for the determination of paternity generally acknowledged as reliable by the accrediting organisms appointed by the Secretary of the Department of Health and Human Services of the United States performed by a laboratory approved by said accrediting entity.

(32) Pension Review — Reconsideration or review of the child support that takes place every three (3) years after being set forth or modified.

(33) Secretary — Means the Secretary of the Department of the Family of the Commonwealth of Puerto Rico and any official, employee, agent or representative duly authorized by same to carry out the duties and responsibilities established in this Act, and in the functions and regulations adopted by virtue of this Act.

(34) Services or Child Support Services — Administrative and judicial assistance and proceedings of all sorts, authorized by this Act to implement public policy on child support including, among other things, legal representation, location of persons bound by law to provide support, payment of certain costs incurred in the procedures, collection and distribution of child support.

(35) Court — Any of the parts of the Court of First Instance, except when otherwise specified.

(36) Health Insurance — Health care coverage under the policy of the father or mother, as set forth in Section 19 of this Act.

Article III. — Public Policy and Duties.

Section 3. — **Statement of Public Policy.** (8 L.P.R.A. § 502)

It is hereby stated to be the Public policy of the Commonwealth of Puerto Rico to ensure that the legally responsible parents or persons contribute, in the measure that their resources allow, to the support and welfare of their children or dependents, through the strengthening of the systems and the expediting of the administrative and judicial procedures for the determination, collection and distribution of child support. The provisions of this Act shall be interpreted liberally in favor of the best interests of the minor or obligee that needs child support.

The obligation to support children is based on the right to life, established as an inherent right of a person. To provide child support is vested of the highest public interest. This obligation is consecrated in the Puerto Rico Civil Code. The father and mother have, with respect to their unemancipated children, the duty to support them, be with them, educate them and represent them in all actions that result in their benefit.

Failure to comply with the moral and legal obligations on the part of one or both parents toward their children constitutes one of the most alarming problems in our society.

In view of the serious problem of noncompliance with the obligation of child support, it is necessary to enact a public policy of responsible parenthood. Furthermore, this is possible because in most of the cases the noncomplying parent has the financial means to satisfy his/her obligation.

One of the most frequent complaints in child support cases refers to the delays in the procedures for which needy minors lack support while the State resolves controversies on child support. To shorten this period, it is necessary for the child support procedures to be placed upon one single administrative organism. Thus, the fragmenting of a process that should not be delayed shall be avoided.

Section 4. — Reciprocal Duties. (8 L.P.R.A. § 503)

Parents and children, spouses, ex-spouses and relatives are reciprocally obligated to help each other and to support each other financially, as provided in the Civil Code and in the interpretative jurisprudence. The parents of a minor are responsible for his/her support and the court or the Administrator can order them to pay a just and reasonable amount for support pursuant to Section 19 of this Act. The duty to support the children continues even when, by court order or administrative order, the minor has been placed in a foster home or when, for purposes of protection, the minor is in custody of another person or a public or private Agency or institution. In cases in which the physical and mental health of the minor as well as his/her educational and vocational needs and aptitudes require it, the parents’ obligation may continue even after the minor has attained the age of twenty-one (21).

Article IV. — Creation of the Child Support Administration and of the Special Fund; Responsibilities, Faculties and Powers of the Secretary of the Family and the Administrator, Request for Services.

Section 5. — Creation of the Child Support Administration. (8 L.P.R.A. § 504)

The Child Support Administration is hereby created, attached to the Department, as one of its operational and programmatic components, under the coordination, supervision, evaluation and inspection of the Secretary.

The Administration shall constitute an Individual Administrator pursuant to Act No. 5 of October 14, 1975, as amended, known as the “Puerto Rico Public Service Personnel Act.” The Administration shall establish and administer its personnel system pursuant to the systems, regulations, norms and procedures approved by the Secretary.

The Administration shall establish and administer its accounting systems and management of accounts, purchases and supplies, and management of records and files and any other administrative and operational support system pursuant to the regulations, norms, and procedures approved by the Secretary. It also shall establish a system for the management, copying, conservation and disposition of documents subject to the provisions set forth in Act No. 5 of December 8, 1955, as amended.

The Administration, in the performance of the duties conferred by this Act, shall be exempt from the payment of all fees, duties, taxes, license fees and excise taxes, whether state or municipal, as well as from taxes.

The Administration shall be under the direction of an Administrator appointed by the Governor, with the advice and consent of the Senate, who shall also fix the salaries or remuneration in accordance with the usual standards in the Government of the Commonwealth of Puerto Rico for positions of the same or similar nature. The Administrator shall hold office at the will of the Governor and shall be a person of moral probity, capacity and knowledge of matters related to child support.

The Administration shall be empowered to arrange for checks, files, registers and documents to be copied, photographed, digitalized, microfilmed, stored in facsimile form, digital characters or any similar manner, in full size or reduced. Original documents may be seized. Copies certified or sealed by an authorized official of the Administration shall have

equal validity as evidence as the originals. Copies shall constitute evidence of authenticity of same, for any legal purpose, in administrative and judicial procedures, and private negotiations.

The Administrator, with the approval of the Secretary, shall establish the systems needed for adequate functioning and operation. By delegation of the Secretary, he/she shall appoint the personnel he deems necessary and shall carry out the administrative and managerial actions needed for the best compliance of the purposes of this Act, as well as any other local and federal acts, and also of the regulations promulgated by the Secretary and adopted by virtue of this Act. The Administrator is hereby authorized, in the performance of his/her functions, to delegate the powers and duties conferred on his/her by this Act, except the power to regulate and appoint personnel.”

Section 5-A. — Transfer of powers and functions. (8 L.P.R.A. § 504a)

Upon the effectiveness of this act, the following programs, functions, powers and duties are transferred to the Administration:

(1) All the functions, powers and duties which under the federal legislation and regulations were carried out by the Child Support Program of the Department, and those functions proper to, the child support area that until the effectiveness of this act were conducted by the Office of Investigation and Processing of Minors' and Family Affairs of the Department of Justice and the Office of Court Administration.

(2) All the functions, powers and duties of the Local Child Support Program of the Office of Court Administration and those conferred upon the former Reciprocal Child Support Division of Puerto Rico.

Section 5-B. — Rendering of Child Support Services. (8 L.P.R.A. § 504b)

(1) The Administration shall render child support services as authorized by this Act in the following cases:

(a) When the case is referred by the Temporary Assistance Program of the Department of the Family, by any Agency or government body, or by the Court, if the person whose case is referred receives assistance under the Temporary Assistance to Needy Families Program, receives benefits or services under the Substitute Homes Program, or the Aid to Medical Indigent Families Program (Medicaid), subject to determinations on just cause for refusing to cooperate, pursuant to this Act and other applicable laws;

(b) When the services are required under Section 8 of this Act;

(c) When it receives an interstate referral under Act No. 71 of June 20, 1956, as amended, known as the “Uniform Interstate Family Support Act,” or when it receives an interstate petition from an Agency which administers a state plan approved by the federal government under Title IV, Part D, or from a foreign country which has signed a reciprocity agreement pursuant to the Federal Social Security Act, as amended, P.L. 93-657, or from a foreign country which has been designated as a foreign country with reciprocity by the Secretary of State of the United States; or

(d) When the services are authorized pursuant to a federal exemption on the requirement to request said services under Title IV-D.

(2) Services authorized under this Act shall be rendered to the residents of the Commonwealth of Puerto Rico, as well as to the residents of the United States. Non-residents shall cooperate in the establishment, modification and effective enforcement of the actions on child support to the same extent as is required from the residents of Puerto Rico.

(3) The Administration, when providing the services authorized under this Section, shall:

(a) Establish safeguards against the unauthorized use or disclosure of information pertaining to the procedures set forth in this Act, including the following:

(i) No information pertaining to the location of a party shall be disclosed to the other party against whom a protection order has been issued with respect to the first party.

(ii) No information pertaining to the location of a party shall be disclosed to the other party if the Administration has grounds to believe that to reveal same could result in possible physical or emotional harm to the first party.

(iii) No information pertaining to the financial records of any person in a financial institution shall be disclosed unless it is for the sole purpose and to the necessary extent to establish, modify, review or enforce a person’s child support obligations.

Unauthorized

disclosure shall be subject to civil sanctions pursuant to the applicable federal legislation.

(iv) No information shall be disclosed for purposes contrary to those set forth in Section 6103 of the Federal Internal Revenue Code of 1986, as amended, subject to the applicable penalties.

(v) No Administration employee shall have access to or exchange any information maintained by the Administration beyond the necessary for the performance of the duties of the Administration.

(vi) No information shall be disclosed in violation of any other applicable state or federal law.

(b) Set and impose administrative sanctions, including, without it being understood as a limitation, the destitution of the employee, for the unauthorized access or disclosure of confidential information pursuant to the dispositions set forth in this Section.

Section 6. — Special Fund. (8 L.P.R.A. § 505)

A special fund is hereby created under the administration of the Administrator, which shall be known as the "Special Fund for Services and Representation of Child Support Cases".

The funds received by the Administration for services rendered, gifts, incentives, income, fines, charges, interest, penalties, expenses, costs, fees or appropriations to implement the objectives of this Act and those proceeding from any other account authorized by this Act, shall be entered in the books of the Secretary of the Treasury apart from any other funds received by the Department in order to facilitate their identification, administration and use by the Administration.

The Administrator shall use the resources of this Special Fund for the purposes and ends authorized in this Act, subject to applicable conditions and restrictions, including the payment of necessary expenses in the rendering of child support services to the persons who thus request them.

Said funds shall be accounted for irrespective of any specific fiscal year and shall be governed by the rules and regulations that the Secretary adopts in harmony with the provisions in effect for the administration of similar funds, and applicable federal legislation and regulations.

Section 7. — Faculties and Powers of the Administrator. (8 L.P.R.A. § 506)

(1) The Administrator shall have the responsibilities, faculties and powers that are necessary and convenient to execute the provisions set forth by this Act, including, without it being understood as a limitation, the following:

- (a) Take all necessary administrative and judicial steps and actions to ensure compliance with the purposes set forth by this Act.
- (b) Prepare, modify and submit the Commonwealth plan for child support services to the Secretary, as well as the budget needed to execute the obligations imposed by this Act.
- (c) To enter into agreements and coordinate administratively with the pertinent government agencies, departments or bodies, and the Judicial Branch, as well as with other public or private institutions, the adoption of measures addressed to attaining compliance of the public policy established in this Act, as well as its purposes and objectives.
- (d) To establish work agreements or reciprocity agreements with other state jurisdictions of the United States or foreign countries to achieve the purposes of the Administration.
- (e) To identify and locate parents or any other persons who are legally bound to provide child support in all cases where it is necessary, or when requested to do so in order to comply with the purposes of this Act as set forth in Section 10 thereof.
- (f) To initiate the corresponding legal actions to recover support payments from those persons whose right to support has been ceded in behalf of the Department as well as to be the depository of said support payments, pursuant to the provisions set forth in Section 9 of this Act, and to collect from third parties for services rendered.
- (g) To render child support services authorized by this Act to any private person that requests them, even though the person does not qualify to receive the benefits of the Temporary Assistance to Needy Families Program in judicial and administrative actions to establish filiation or the paternity of children born out of wedlock, as well as to establish, fix, modify, review, and enforce compliance of the obligation to provide child support from any person so bound by law. The legal representation offered by the Administrator pursuant to the provisions set forth by this Act shall be in the best interests of the minor.
- (h) Designate Deputy Prosecutors to represent the Administration in child support procedures and before other agencies, government bodies and the courts, in the Commonwealth as well as in the United States. The Administrator may request the Secretary of Justice to appoint these lawyers as special prosecutors so that, as part of their functions, they can participate in procedures of criminal nature for violations of the laws, regulations or orders administered by the Administration. This faculty may be delegated by the Secretary of Justice on the Deputy Secretary, the Assistant Secretaries and the Chief of the Investigations and Criminal procedures Division of the Department of Justice.

(i) Render the services needed to demand, collect, distribute and recover child support payments pursuant to the regulations adopted.

(j) To determine which persons among those who owe child support payments receive or have filed for unemployment benefits under Act No. 74 of June 21, 1956, as amended.

If the debtor receives or has filed for unemployment compensation, the Administration may take the necessary steps to collect the money owed for child support from unemployment benefits applied for by the indebted obligor pursuant to applicable federal legislation and regulations.

(k) To keep a register of persons who owe child support payments. Also, to disclose the child support services authorized by this Act and the criteria, eligibility requirements, and costs of same, if any.

(l) To establish a broad and vigorous educational program to promote compliance with the moral and legal obligation of the parents and persons responsible for providing child support; coordinate and promote that persons and educational, charitable, civic, religious, social, recreational, professional, occupational, trade union, commercial, industrial and agricultural entities foster

the public policy of responsible parenthood and request the cooperation of all profitable or non profit public and private mass communications media to contribute to the educational process of compliance with the responsibility of child support. To achieve these purposes, the Administration is empowered to organize all sorts of activities and to use all means of communication, whether personal, group or mass, including the production and placing of advertisements on the radio, press, television and other communications media. The Administration shall also divulge the availability of child support services, including information about the cost and locations where it may be requested. In addition, it shall promote the use of procedures for voluntary acknowledgement of paternity, and the duty to provide child support pursuant to this Act.

(m) Request, receive and accept funds and donations to render the services authorized by this Act and execute contracts and any other instrument that is necessary and convenient to exercise any of his/her powers, as well as to contract the necessary technical services to carry out investigations, process cases and data, collect child support payments, perform laboratory tests, and any other effort needed to comply with the purposes of this Act, with individuals, groups, corporations, any federal agency, the Government of the United States, the Commonwealth of Puerto Rico, its agencies or political subdivisions.

(n) To carry out research and studies to determine and evaluate the nature of the services to be rendered.

(o) To adopt, with the approval of the Secretary, the regulations and procedures needed to carry out the purposes of this Act. The Administrator is expressly empowered to determine through regulations those rules and norms needed to conduct the administrative procedures and those services for which

he/she shall require the payment of a reasonable sum, and the reimbursement of the expenses incurred to render services, as well as to determine who shall be requested to pay, the criteria for said payment, the amount to be paid, and the manner of payment.

(p) To establish, with the approval of the Secretary, the internal organization of the Administration and the mechanisms for the coordination and programmatic and

operational integration needed for an integral treatment of the family, pursuant to the functions and duties of the Department.

(q) Without prejudice to the dispositions set forth in other laws, the Administrator or the person designated by same may certify official translations from one language into another, from or into English, Spanish, or other languages, of documents, orders, rulings, or administrative or judicial resolutions pertaining to his/her duties.

(r) To establish a State Register of Child Support Cases that shall contain uniform elements of information, pursuant to the requirements in this Act, for all child support orders issued in Puerto Rico after January 1, 1998, to maintain a record of the payments in all registered cases, and update them with the information obtained through the comparison and exchange of federal and state cases, from other registers, and from the welfare agencies and the Aid to Medical Indigent Families Program (Medicaid) of the Commonwealth of Puerto Rico, pursuant to Section 6103 of the Federal Internal Revenue Code of 1986.

(s) To establish a State Register of New Employees and require from all employers in Puerto Rico to provide uniform elements of information on all new employees, pursuant to the provisions set forth by this Act. Also, to perform information cross references against the State Register of Child Support Cases to initiate income withholding, when so required.

(t) Whenever there exists prima facie evidence that an obligor or an individual against whom child support action is pending transfers property or income to evade current or future child support payments, to file a Court case to request the annulment of said transfer, or alternatively, to obtain a remedy in the best interest of the obligee, pursuant to Act No. 241 (sic) of September 19, 1996, the Commercial Transactions Act, as amended, and to establish procedures to ensure that said action shall be taken whenever necessary.

(u) Establish an evaluation unit to perform annual revisions to comply with local and federal laws pertaining to Title IV-D programs, using the automated child support system to extract and remit information about the level of achievement obtained with respect to the applicable performance indicators, in a format and manner that is consistent with the standard procedures set forth by the Secretary of the Department of Health and Human Resources of the United States.

(v) To establish agreements with financial institutions doing business in Puerto Rico to develop and operate, in coordination with same, an automated data exchange and cross reference system. All financial institutions shall be required to provide every trimester, the name, address of record, social security number or other taxpayer identification number, and information that identifies each obligor who has an account in said institution and owes child support, as identified by the Administrator by name, social security number or other taxpayer identification number. Also, the Administration is empowered to remit the information obtained through these agreements to other Government agencies of the Commonwealth of Puerto Rico to administer tax laws or verify financial eligibility for assistance programs. The agreements established pursuant to this Section shall contain all the terms required by the applicable federal legislation, including dispositions on immunity from liability, and

provide that in reply to a notification of debt issued pursuant to Section 25 of this Act, the assets corresponding to the child support debt that are in the hands of the financial

institution concerned may be frozen or released, as the case may be, to the Administration.

(2) The Administrator or his/her designee, in both local and interstate cases, without need to obtain an order from a Court of Puerto Rico, an Administrative Judge, or a court of another state of the United States, even acknowledging the authority of Title IV-D agencies of the States, shall have the authority to take the following expedited administrative actions:

(a) Order genetic tests to establish paternity.

(b) To issue subpoenas for the discovery of evidence, whether financial or of any other type, necessary to establish, modify or enforce a support obligation.

(c) To require all employers, including employers for profit and non-profit, and government employers, to provide information with respect to the employment, compensation and benefits of any person hired as an employee or contractor without delay.

(d) To obtain access to the following information to perform the duties of the Title IV-D agency, subject to the immunity from liability of the entities that provide such access and to all the information security and privacy safeguards set forth in the federal and state laws and regulations:

(i) Records kept by all government agencies, including, without it being understood as a limitation, the Demographics Registry, the Department of the Treasury, records related to real and movable property, occupational and professional licenses, records on property and control

of corporations, partnerships and other businesses, employment safety records from the Department of Transportation and Public Works, penal records, and

(ii) Pursuant to a subpoena or requirement, certain records in the hands of private entities, such as public utilities, cable television companies and financial institutions, with respect to persons against whom a child support claim has been filed or is pending, consisting of the name and address of said persons, and with respect to the financial institutions, information on assets and liabilities.

(e) In any child support action before the Puerto Rico court, the Administrative Judge or any other court, after notifying the obligor and the obligee, to order the obligor or other person paying to change the recipient to the Administration or another appropriate Title IV-D Agency.

(f) In any child support action before the Puerto Rico court or any other court, to order income withholding. In cases of child support in arrears, to also order the withholding of an additional amount for the payment of child support in arrears. Provided that said additional amount shall not exceed thirty percent (30%) of the child support.

(g) In cases of child support in arrears, to seize property located in Puerto Rico and, in cases initiated by the Administration in any other state:

(i) To issue an order to seize periodic or lump sum payments from the unemployment agency, the workers compensation agency, or from judgments, transactions and lottery prizes, and to issue an order to freeze and seize the assets of the obligor that is in the hands of financial institutions or freeze and seize the public or private retirement funds of the obligor, and

(ii) To impose liens pursuant to Section 25 of this Act to force the sale of property and the distribution of the amounts collected for same.

(3) Administrative action taken to enforce child support payments pursuant to items (a), (e), (f) and (g) of subsection (2) of this Section shall be subject to the requirement of a notification to the affected party of the right to submit a reconsideration request to the Administrative Judge. Administrative action to enforce child support taken pursuant to subsection (2) in interstate cases, with respect to income withholding, the imposition of seizing or liens, and the issuing of administrative requirements, shall be processed using the forms prepared by federal legislation and promulgated by the Secretary of the Health and Human Resources Department of the United States.

(4) Failure to comply voluntarily with any subpoena or requirement issued by the Administrator or any another Title IV-D Agency, pursuant to subsection (2) of this Section shall be sanctioned pursuant to the dispositions set forth in Section 7 B (f) of this Act. The Administrator shall enforce determinations of another Title IV-D agency, which acts pursuant to the provisions set forth in Subsection (2) of this Section, when so required.

Section 7-A. — Deputy Administrator. (8 L.P.R.A. § 506a)

The Administrator shall designate a Deputy Administrator with the consent of the Secretary, who shall assist him/her in the performance of his/her functions. In the case of absence or temporary disability he/she shall substitute him/her as Acting Administrator and shall perform all attributes in order to comply with the functions, obligations and responsibilities of said office as provided for in this Act. The Deputy Administrator shall hold office during the absence or disability of the Administrator or when said office becomes vacant, until the Governor, with the advice and consent of the Senate, appoints an Administrator and the latter takes office.

Section 7-B. — Administrative Judge; Appointment; Powers; Organization. (8 L.P.R.A. § 506b)

The position of Administrative Judge is hereby created, who shall be appointed by the Governor with the advice and consent of the Senate, to address administrative controversies pertaining to the establishment, modification, revision and enforcement of child support obligations, as well as of filiation cases. A maximum of thirteen (13) Administrative Judges shall be appointed, who shall be attorneys with at least three (3) years of being admitted to the exercise of the profession. The appointment of the Administrative Judges shall be for a term of six (6) years, they shall remain in office until their successor is designated, and shall earn a minimum salary of forty thousand (40,000) dollars per year, which cannot be superior to the salary earned by a Judge of the Court of First Instance. The Administrator, with prior approval from the Governor and the Secretary, shall adopt the rules and regulations that shall govern the training, suspension or destitution, and fixing of the salaries of the Administrative Judges.

In the exercise of their duties, and without need to obtain an order from a state, federal, or any other jurisdiction that has subscribed to the provisions set forth in the Uniform Interstate Family Support Act, the Administrative Judge shall have full authority to:

(a) Hold hearings, take oaths, direct and allow the parties to use discovery of evidence to expedite the handling and solution of controversies, hear testimony and any other evidence

through the use of tape recordings and video tapes and any other evidence to establish the record of the case.

(b) Direct, order and allow the parties to engage in transactional meetings and conversations. Accept the voluntary recognition of the paternity of the obligee made by the petitioner when promoted under oath, as well as the voluntary recognition of the obligation to support and the stipulations or agreements that establish the amount of child support to be paid, pursuant to the Mandatory Guidelines to Fix and Modify Child Support in Puerto Rico, adopted as provided by this Act.

(c) To summons witnesses of the parties, receive and evaluate the evidence submitted; to issue the corresponding orders according to the procedures established in Section 11 of this Act and the corresponding

regulations; to notify the holding of a hearing when necessary, or when the respondent does not appear after having been duly notified; and to issue a child support and filiation order, or its modification, or the imposition of remedies or penalties, as the case may be.

(d) Order genetic tests to determine the paternity of the child when said paternity is in controversy.

(e) Impose the sanctions, fines and penalties set forth in this Act, and in the applicable regulations.

(f) Request the payments to settle child support debt pursuant to a payment plan, or require that an obligor who is not disabled participate in work activities, as defined in Section 607 of the Federal Social Security Act, including, without it being understood as a limitation, employment training, community service programs, public sector subsidized employment, and educational vocational training.

(g) Attend to the revision of orders of the Administrator at the request of one of the parties.

(h) Issue summonses for the discovery of the financial situation of the parties to establish, modify, review or enforce a support obligation. Require from all employers, including government agencies, municipalities and profit or non profit corporations to provide prompt information regarding the employment, compensation, health plan and benefits of any person hired as an employee or contractor.

(i) Perform the duties of the Title IV-D agency, obtain access to records maintained by all government agencies including, without it being understood as a limitation, the Demographics Registry, the Department of the Treasury, records pertaining to real and movable property; occupational, professional and recreational licenses; property records and control of corporations, partnerships

and other businesses; employment security records; Department of Transportation and Public Works records; and penal records, among others, subject to the immunity from liability of the entities that provide such access and to all the security safeguards of information and privacy set forth in state and federal laws and regulations:

(j) In child support arrears cases, the seizing of goods located in Puerto Rico and in any other state of the United States.

(k) It shall be ordered in all child support actions before the Administrative Judge that:

(1) Payments shall be made through the Administration or other appropriate Title IV-D Agency.

(2) Health insurance coverage shall be included.

(3) Modify the current child support to be in agreement with the Mandatory Guidelines to Fix and Modify Child Support when the legal, regulatory or custody circumstances so do warrant.

(1) Hear and resolve controversies pertaining to the establishment, revision, modification and enforcement of interstate child support obligations and filiation cases.

The Administrator shall designate a Coordinator Judge, who in turn shall be an Administrative Judge, to handle supervision and administrative matters. The Coordinator Judge shall be the administrative chief of said office, and in such capacity, shall oversee the efficient operation of the courtrooms, the timely resolution of cases, and faithful compliance and uniformity of the public policy set forth in this Act and in the applicable federal legislation. Likewise, same shall be responsible for the supervision of all Administrative Judges, courtroom distributions, assignment of cases, and any other duty delegated to same by the Administrator. Same shall report directly to the Administrator.”

Section 7-C. — Deputy Prosecutor; Powers. (8 L.P.R.A. § 506c)

The Administrator shall be authorized to designate Auxiliary Advocates to represent the Administration in administrative and judicial forums in all matters authorized by this Act in which same is a part or has interest. The appointments of the Deputy Prosecutors shall be for the term determined by the Administrator, but shall not exceed six (6) years. This term may be extended for following and subsequent terms. In the exercise of their duties, and without it being understood as a limitation, they shall have the following powers:

(a) To take oaths and statements, and to require, under admonishment of contempt, the appearance of witnesses and the presentation of books, letters, documents, papers, files, and all other necessary information for a complete cognizance of the matters under investigation pertaining to his/her jurisdiction and responsibilities.

(b) To perform all types of necessary and pertinent investigations on the persons and entities, and on the documents pertaining to the matters under his/her jurisdiction or responsibilities, for which same shall have access to the files and records of all the Government agencies, Public Corporations and Municipalities of the Commonwealth of Puerto Rico.

(c) To require the collaboration of the government agencies and instrumentalities and to coordinate with same to be provided any recourse or assistance deemed necessary for the effective accomplishment of his/her responsibilities.

(d) To inspect, obtain, or use the original or copy of any income tax return pursuant to the applicable laws and regulations to carry out the objectives set forth in this Act.

(e) To advise the Administrator regarding the necessary procedures to carry out the purposes of this Act.

(f) To advise the Administrator regarding the processing of matters of criminal nature, under the Law.

The Deputy Prosecutor shall be authorized to perform investigations and act in criminal procedures, pursuant to the provisions set forth in Section 7. Likewise, same shall be authorized to resort to the Court and request the admonishment for contempt for any person who refuses to reveal the required information, pursuant to the provisions set forth in this Section, as well as in the case of any other violation of law related to his/her duties.

Section 7-D. — Purchases and Supplies. (8 L.P.R.A. § 506d)

All purchases and contracts for supplies and services executed by the Administration shall be made without their being subject to Act No. 164 of July 23, 1974, as amended [3 L.P.R.A. §§ 933 et seq.]. The Administrator shall make all purchases and execute all contracts for supplies and services through bids, except those for personal and professional services. When the estimated cost of the acquisition or the rendering of the service does not exceed twenty-five thousand (25,000) dollars, said contract may be executed without a formal auction through a competitive bidding of at least three (3) bids. An auction shall not be necessary when:

- (a) An emergency requires the immediate delivery of material, supplies or equipment, or the performance of services; or
- (b) replacement parts, accessories, equipment or supplementary services are needed for equipment or services previously furnished or contracted; or
- (c) professional, specialized or expert work or services are required, and the Administrator, for a just cause, deems that in the interest of a sound administration the contracts shall be executed without a bid, or
- (d) the prices are not subject to competition, because there is only one source of supplies or because they are regulated by law. In such cases, the purchase of said material, supplies or equipment, or the obtaining of said services, may be made in the open market, after quotations from at least three suppliers, in the usual and regular manner in business.

The Administrator shall reserve the right to acquire the formal award in a public auction on the basis of other objective and reasonable considerations other than prices.

Section 8. — Request for Services. (8 L.P.R.A. § 507)

In order to render the services authorized under this Act, the following shall be deemed as a request for services:

- (1) A Title IV-D request for services, as promulgated by the Administrator. Beneficiaries of the Temporary Assistance Program of the Department of the Family that no longer receive such services shall not have to submit a request to continue receiving such Title IV-D services. When legal counseling services are needed, the Administrator shall designate legal counsel in behalf of the child.
- (2) On initiating the petition for remedies or on handling the petition before the administrative or judicial forum, it shall be understood that the forum in which it is first filed shall have exclusive jurisdiction to issue a child support order.

However, even when the support order is issued in another judicial forum, or in another state, the Administrator shall have jurisdiction to dispose administratively over:

- (a) Initiating income withholding;
- (b) Changing the recipient of the payment;
- (c) Ordering health insurance coverage;
- (d) Ordering payments on debts other than the current child support,
- (e) Modifying or reviewing the current child support pursuant to the Mandatory Guidelines to Fix and Modify Child Support;

- (f) Enforcing compliance with the support order, except for the imposition of admonishments of contempt;
- (g) Any other procedure after the establishment of the support order.

Section 9. — Economic assistance; eligibility; assignment of right. (8 L.P.R.A. § 508)

(1) As a condition for eligibility to receive temporary financial assistance, the petitioner or person who receives financial assistance under the category of Temporary Assistance Program of the Department shall assign to the Administration any right to support it might have in its own benefit or in the benefit of any other member of the family on behalf of whom, or for whom, the request for assistance is made.

(a) Notwithstanding the provisions set forth in the Puerto Rico Civil Code, it shall be understood that the request or receipt of financial assistance payments is in itself an assignment of the right to support for the total amount of the financial assistance received. The assignment of the right to support shall be effective as current support payments and overdue support payments to the extent allowed by federal legislation and from the moment that eligibility to receive economic assistance is determined. This assignment shall terminate, with respect to current support payments, at the time the eligibility of the beneficiary terminates. With regard to support payments that become overdue during the periods in which the minor or his/her guardian has received financial assistance, said assignment shall terminate at the moment that the Administration has recovered the total amount paid for said assistance.

(b) The assignment of the right to support shall be exclusively for the purpose of initiating the corresponding legal actions for the State to recover the amount advanced for the minor or the petitioner from the person legally obliged, from the time the support right becomes requireable, pursuant to the Puerto Rico Civil Code.

(c) The petitioner and whoever receives economic assistance shall be obliged to hand over to the Department any direct payments received for support, once the assignment of the right to support is effectively ceded, and up to the time the Administration has recovered the total sum paid for financial assistance.

(2) Any person who requests or receives financial assistance subject to notice of the right to claim just cause for failure to cooperate shall be bound to:

(a) Continually offer his/her cooperation to the Administration to identify and locate the father or mother of the minor for whom financial assistance or support payment is being requested, to determine the paternity of the minors who have not been recognized and to compel support or any other benefit to which the minor is entitled;

(b) place at the Administration's disposal all the information and evidence he/she may have in his/her power or can reasonably obtain, and

(c) testify in any proceeding to attain compliance with the legal obligation to provide child support.

The refusal to cooperate shall be notified to the Temporary Assistance Program, but shall not impair the minors' right to receive the financial assistance due to them under the provisions of law and regulations; nevertheless, the person who refuses to cooperate unless just cause is determined, shall not receive benefits for him/herself. The Administrator, after taking into consideration the best interests of the obligee and the circumstances of the case,

can exempt the petitioner or the person who receives financial assistance from the obligation of offering the required cooperation. The burden of proof to establish just cause to refuse to cooperate shall fall upon the obligee, and shall be corroborated and based upon demonstrative evidence that it may be reasonably expected that such cooperation may result in physical or emotional harm, or that the minor was conceived as a result of an incestuous relationship or rape, or has an adoption procedure pending, or by means of any other evidence required by the Administration.

Section 10. — Service for Locating Persons; Power to Investigate. (8 L.P.R.A. § 509)

(a) The Administration shall offer the service of locating the persons who have abandoned their children or who have failed to comply with their obligation to provide child support. To such effect, and in order to obtain and collect support payments, the Administrator shall request any information and assistance he deems necessary from any department, agency, public corporation or body of the Government of the Commonwealth of Puerto Rico or the municipalities, the federal government or of other states or jurisdictions, as well as from individuals, private entities and corporations for the purpose of identifying and locating the parent or the person legally responsible for providing child support, to determine the income, expenses and assets of the obligor or any other information needed to comply with the purposes of this Act.

The Administrator, or the official whom he/she designates, shall be empowered to conduct the investigations he/she deems necessary, and for such purposes, may take oaths and statements and require, under admonishment of contempt, the appearance of witnesses and the presentation of data, books, letters, documents, papers, files and all information that is necessary and pertinent for a complete cognizance of the matters under investigation with respect to the functions conferred by this Act, so that he/she can comply with the responsibilities thus assigned. Notwithstanding the provisions of other laws, the directors or secretaries of other departments, agencies, public corporations or bodies of the Government of the Commonwealth of Puerto Rico, or of the municipalities, as well as the officials or agents of private corporations or entities, are directed to furnish whatever pertinent and necessary information that the Administrator requests. The information thus requested shall be furnished free of costs and fees. Access shall be provided to the Administration as well as to any federal agency performing duties under Title IV-D, to any information on the location of the obligor in any system used by the Department of Motor Vehicles or public safety organisms for the location of individuals, including, without it being understood as a limitation, the National Law Enforcement Telecommunications System (NLETS) and the National Crime Information Center (NCIC).

Should the person refuse to furnish the requested information, the Administrator shall resort to the Court of First Instance and request that compliance with the summons be ordered. The court shall give preference to the course and dispatching of said petition and shall issue orders making obligatory the presentation of data or information previously required by the Administrator. The Court of First Instance shall be empowered to punish for contempt the violation of these orders.

No person shall refuse to comply with a summons from the Administrator or his/her representative, or to produce the evidence required, or refuse to answer any question with

respect to any investigation, or because the evidence required could incriminate him/her or expose him/her to a criminal procedure, or to be dismissed or suspended from his/her employment, profession or occupation; but the summons for testimony or information shall be subject to Act No. 27 of December 8, 1990, as amended [1L.P.R.A. §§ 591 et seq.], known as the "Act for the Proceedings and Granting of Immunity to Witnesses".

The information obtained shall be confidential and shall only be used for the purposes authorized by this Act. The Administrator, in turn, shall share the information with the federal agencies concerned.

(b) To expedite the location and the execution of actions against obligors, the government agencies that issue the following licenses or maintain records pertaining to the following matters shall develop appropriate procedures to guarantee that requests for obtaining said licenses, or records regarding such matters, contain the social security number of the respective requestor or individual subject to said matter, respectively: professional licenses, motor vehicle licenses, occupational licenses, marriage licenses, recreational or sports licenses, divorce decrees, child support orders, decrees and paternity recognitions, and death records and certificates.

Section 10-A. — State Register of New Employees. (8 L.P.R.A. § 509a)

(1) The Administration shall establish a State Register of New Employees and may establish cooperation agreements with other state agencies or entities to comply with the provisions set forth in this Section. Any employer who hires or rehires a person shall send the following information to the Administration:

(a) The name, address and social security number of the employee, and

(b) The name, address and federal employer identification number, or if the local or federal laws do not require an employer identification number federal employer identification number, the employer identification number of the Government of the Commonwealth of Puerto Rico.

(2) Every employer shall remit the required information to the Administration pursuant to subsection (1) of this Section:

(a) No later than twenty (20) days after the date on which the employer hires or rehires the person, or

(b) If the information is remitted electronically or magnetically, twice per month, with a lapse of not less than twelve (12) days nor more than sixteen (16) days between transmissions.

(3) The report required by this Section shall be submitted in Form W-4 provided by the Federal Internal Revenue Service, or by the Administration for such purposes. The forms may be sent by mail, or by magnetic or electronic media.

(4) An employer with employees in two (2) or more states and who remits the report on new employees by magnetic or electronic media may comply with this Section by designating one of the states and remitting the corresponding report to said state. In this case, the employer shall notify the Secretary of the Department of Health and Human Resources of the United States in writing to which state the reports shall be sent.

(5) The Administration shall include the information required in the State Register of New Employees within five (5) workdays from the date of its receipt. Once the information is included in the Register, the Administration shall do the following, within two (2) workdays:

(a) Perform a computerized comparison of the social security numbers of the employees that are informed by the employers and of the obligors as they appear in the State Register of Child Support Cases of the Administration, pursuant to the provisions set forth in Section 23B of this Act;

(b) If the comparisons of the respective social security numbers match, the Administrator shall transfer and include in the State Register of Child Support Cases the data informed pursuant to subsection (1);

(c) If the case identified in the State Register of Child Support Cases contains a support order in effect and is eligible for income withholding pursuant to this Act, the Administrator shall issue an income withholding order and notification to the employer pursuant to the provisions set forth in Section 24 of this Act.

(6) The Administration shall supply this information to the National Register of New Employees, pursuant to the provisions set forth in the federal laws and regulations, within three (3) workdays after the data has been informed to the State Register of New Employees, as set forth herein.

(7) Every three months, the Department of Labor shall supply to the Administration or directly to the National Register of New Employees, as determined by the Administrator, the extracts of the reports on salaries and unemployment compensation payments required under the Federal Social Security Act, on the dates and with the format and content specified in the federal laws and regulations.

(8) The Administration shall use the information from the State Register of New Employees to locate the obligor and establish, modify, review and execute the child support obligations, and shall share same with the government agencies of the Commonwealth of Puerto Rico responsible for the administration of the Income and Eligibility Verification System Programs specified in Section 1137(b) of the Federal Social Security Act to verify eligibility to the programs, including, without it being understood as a limitation, the Temporary Assistance to Needy Families Program, the Aid to Medical Indigent Families Program (Medicaid), the Unemployment Compensation Program, the Nutritional Assistance Program and the agencies that manage employment security programs and workers' accident compensation.

Article V. — Expedited Administrative Procedure.

Section 11. — Expedited Administrative Procedure. (8 L.P.R.A. § 510)

(a) When the services authorized in this Act are requested, or rendered at the initiative of the Administrator, the Administrator shall issue an expedited administrative procedure for the determination of filiation to establish child support; establish, modify or review the support order, or to demand compliance

with child support payments from the legally responsible person. The aforementioned in no manner limits the rights of those persons entitled to support payments for themselves or on

behalf of those they represent by means of the corresponding remedies or judicial action, pursuant to the provisions set forth in the Civil Code, the Rules of Civil Procedure, and in other applicable laws or regulations. The term Expedited Administrative Procedure used in this Section means that as of the date on which the request is filed, until its final resolution, the cases shall be solved within the term set forth by the federal laws and regulations.

(b) The administrative procedure shall be carried out as follows:

(1) When the Administrator, or his/her authorized representative, receives a request for services, or generate a request for services of his/her own accord, he/she shall immediately proceed to review same, study the pertinent legal dispositions therein, and complete the necessary information for the processing of the case with the information available in the Administration, or have to be requested from other agencies, entities or persons.

(2) The Administrator shall issue a notification to the party to which the claim is directed, or who may be affected, in writing or by means of verifiable communication, or by mail, and if the address is unknown, by means of a public notification, requesting same to appear at the Administration within twenty (20) days, or thirty (30) days if the petitionee is not a resident of Puerto Rico, starting on the date of the notification. The Administrator shall prepare a brief of the petition and the applicable laws, instructing the party of the legal consequences of the claim and that if same does not appear within the required term, the request may be granted without further notification to appear or to be heard; granting same the opportunity to defend himself/herself and to submit his/her version; requiring replies to the allegations and to accept, reject, object, impugn, clarify or add to the facts and legal aspects; and to submit documents

or evidence to substantiate or refute the allegations, arguments or facts of the petition. In turn, the Administrator shall require the affected party to submit documents and evidence, or to complete a form, or proceed to issue an order to show cause for which the allegations and evidence should or should not be accepted for making the corresponding temporary or permanent determinations.

(3) Notification, communication and summons of the parties. In the procedures carried out under the provisions of this Act to establish, modify or enforce child support or to establish filiation, the Administrator shall carry out the reasonable procedures to notify, communicate, or announce to the parties that an investigation or case has begun which affects said parties or may affect their rights. After the party appears, of his or her own accord or represented by an attorney, he/she shall be notified of all orders or resolutions issued by the Administrator or the Administrative Judge.

Copies of orders that establish paternity, or which impose or modify a support obligation, including those orders which deny a modification of support order pursuant to the Revision and Modification of Support Orders Plan of the Administration, shall be notified to the parties within fourteen (14) days from the date of issue of the order.

(4) Compulsory Investigation. In the procedures carried out under the provisions established in this Act to set forth, modify or enforce child support, or to establish filiation, the financial situation and capacity of the obligor and the obligee shall be investigated. The Administrator is hereby empowered to require the presentation of a certified copy of the income tax return, as well as a certification from his/her employer or

any other document as evidence of his/her wages or salary, or of any other income or accruals, and of any movable or real property.

The Administrator shall prepare and provide a form to the parties to obtain the necessary information with respect to the financial situation, the needs of the minor, and the payment capabilities of the obligor and the obligee. In addition, the presentation of any document or evidence, or any petition of documents, tests, or proof of any circumstance that constitutes a factor that may influence a fair and reasonable determination of the child support shall be requested. The form shall be sworn before a notary public, or an official of the Administration or the Department of the Family authorized by the Administrator, or a certified statement under admonishment of perjury, and when duly completed with all the required information, said form shall be filed at the Administration. The filing of the form does not exempt the parties from their obligation to submit, when so required, all other information deemed necessary to determine their particular financial situation. The persons that submit the information required herein shall be subject to the penalties set forth for the crime of perjury.

The mechanisms for discovery of evidence as set forth in this Act, and the Rules of Civil Procedure may be used in addition to the required form. All attorneys admitted to the practice of their profession in the Commonwealth who represent any of the parties as the attorney of record, in public practice, in reasonable time and manner, and according to the regulation adopted to such effects, are empowered to issue and sign summonses to the parties or witnesses for depositions, to appear at evaluations, or for medical examinations, hearings and inspections, notifications, information requests, documents, admissions and evidence, instructing the person that same is subject to the imposition of sanctions by the Administrator or the Administrative Judge, or to being penalized for contempt by the court. If the person does not comply with the requirement, he/she may be sanctioned by the Administrator or the Administrative Judge, and at the requirement of the other party, the court may penalize said person for contempt. The person affected by a request for discovery of evidence may request a protection order from the Administrator or the Administrative Judge by means of an adequate notification to the parties within a term established by regulation.

The parties shall be admonished of the fact that the Administrator may ascribe to the party that does not comply with the discovery of evidence within the required term, or does not duly reply or gives evasive replies, the average income of the trade, occupation, profession of the obligor, according to all the available evidence, including estimates, studies and projections of income, expenses, life style, and any other pertinent evidence, and continue with the administrative procedure authorized by this Act, including a default judgment.

(5) *Support agreements or stipulations.* When the parties reach an agreement on support, the agreement shall be submitted to the Administrator for approval, pursuant to the provisions set forth in the Mandatory Guidelines to Fix and Modify Child Support in Puerto Rico adopted pursuant to the provisions set forth in this Act. However, the Administrator, at his/her discretion, may direct that an administrative hearing be conducted to ensure that the needs of the obligee shall be adequately satisfied according to the capacity of the obligor and the obligee to comply with the stipulations.

(6) *Voluntary acknowledgement of paternity.*

(A) The Certificate of Paternity, as authorized in this Section, shall be the exclusive means for the voluntary establishment of the paternity of children born out of wedlock, apart from the voluntary acknowledgements of paternity made before the Administrator or an Administrative Judge, pursuant to this Section, or before the court, pursuant to Section 13 of this Act. The Administrator, in consultation with the Secretary of the Department of Health, shall issue the Certificate of Paternity.

(B) The Certificate of Paternity shall comply with all the acknowledgement of paternity affidavit requirements set forth in the applicable federal laws and regulations, including, but not limited to, the required information and format. The certificate shall include the name of the parents, their social security numbers, or if said numbers are not available, any other identification number, and their respective addresses.

(C) If the information required in the Certificate of Paternity does not exist, not providing same shall not hinder the voluntary establishment of paternity, pursuant to this Section.

(D) The Certificate of Paternity shall be sworn by both parents of the child born out of wedlock before any of the following officials: a notary public, an authorized judicial official, an official in charge of the Demographics Registry, Administration officials named by the Administrator, Administrative Judges and authorized officials of public and private hospitals named by the Administrator, in consultation with the Secretary of the Department of Health.

(E) The Certificate of Paternity shall include a written notification of the available alternatives, the legal consequences, rights (including whether the father is a minor, any right that applies to being underage), and the responsibilities that arise from the signing of said Certificate of Paternity. This notification shall be provided in writing and verbally to both signing parties prior to subscribing the Certificate of Paternity.

(F) A Certificate of Paternity, if completed pursuant to the provisions set forth in this Section, shall be considered as a conclusive determination of paternity with the same force and effect of an administrative or judicial adjudication of paternity without the need for ratification by the Administrator, an Administrative Judge, or a Court, subject to the right of any of the signing parties to rescind the Certificate of Paternity within sixty (60) days, starting from the date of the signing. The rescission may be obtained by completing a request to rescind from the Demographics Registry in which the birth was registered within the specified term. The Demographics Registry, in view of the request to rescind, shall make all the necessary administrative corrections in the birth record. Any challenge against the Certificate of Paternity that arises after the conclusion of the rescission term of sixty (60) days shall be made in Court and shall only be based on fraud, violence, intimidation or material error of fact. The burden of proof shall fall upon the person who issues the challenge. The legal responsibility of any signing party, which arises from the Certificate of Paternity, shall not be suspended during the challenge procedure before the Court except when there is a determination of just cause.

(G) The Demographics Registry shall not create or amend a birth certificate to include any information about the father of a minor unless the Certificate of Paternity

is completed pursuant to this Section, or if a judicial or administrative adjudication issued by virtue of this Act is submitted before the Registry. Subject to the provisions set forth in item (H) of this Section, any other paternity documentation, including but not limited to, affidavits of acknowledgement of paternity that do not comply with the requirements of this Act, shall not be used as a basis to create or to amend a birth certificate, unless such paternity documentation or evidence is ratified by the Court or by an Administrative Judge.

(H) To establish or enforce a support obligation pursuant to this Act, the Administrator, the Administrative Judge, and the Court shall give full and credit to all determinations of paternity issued by any State of the United States or foreign countries, as long as:

1. The State or foreign country complies with the requirements in subsection (c) of Section 5B of this Act,
2. The determination of paternity is based upon a voluntary acknowledgement of paternity submitted pursuant to the applicable procedures of the promulgating State or foreign country, or
3. The determination of paternity arises from a judicial or administrative procedure authorized to determine filiation.

The same shall apply to the Demographics Registry, in those cases in which a birth certificate is created or amended.

(I) The Administration shall encourage the use of procedures for the voluntary acknowledgement of paternity and for child support in the manner determined by same and pursuant to the provisions set forth in the applicable laws and regulations.

(7) *Allegations of filiation and the obligation to provide support.*

(A) In cases in which the paternity of the minor is in controversy, the Administrator or the person delegated by same shall notify their obligation to provide support to all the parties of the allegation of filiation.

The notification shall be delivered personally, pursuant to the regulation adopted by the Administration to enforce the personal serving of the notification, or by means of a notification published in a general circulation newspaper. The notification shall be understood as valid if made to the last known address found in the State Register of Child Support Cases to comply with due process of law. The parties have the continued obligation to inform any change in their residential, mailing and employment address.

In those cases in which the minor was born out of wedlock and has not been acknowledged, the notification of the allegation of filiation and the support claim shall be served to the petitionee personally.

If the petitionee cannot be notified by the aforementioned means, the notification shall be made in writing and an edict shall be published, which may be a notification with multiple notifications, in a newspaper of general circulation in Puerto Rico. The published edict shall contain the following information:

- (1) The allegation of filiation;
- (2) The name of the parties claiming filiation and support;

(3) That if the paternity is established, a support order shall be imposed upon the obligor according to his/her property and capacity to generate income, pursuant to Section 19;

(4) The amount of the support payments claimed and the date on which same shall take effect;

(5) The right to submit objections and defenses in a timely manner. In addition, same shall be admonished that, if no timely objection is submitted, the allegations made in the notification of allegation of filiation and the obligation to provide support shall be understood as true, and the Administrator shall issue an order of filiation and support pursuant to the provisions set forth in the initial notification;

(6) Any other information adopted by the Administration by means of regulation.

(B) Support Requests - Notification

In cases in which a child support shall be established, modified, reviewed or enforced, the Administrator or the person upon whom same delegates shall notify all parties of the allegation of the support obligation.

This notification shall be sent to the obligor by certified mail with return receipt requested to his/her last known address, or served personally according to the regulation adopted by the Administration to enforce said personal serving, or by means of notification published in a newspaper of general daily circulation. The notification shall be understood as valid if made to the last known address found in the State Register of Child Support Cases to comply with due process of law. The parties have the continued obligation to inform any change in their residential, mailing or employment address.

If the obligor cannot be notified by the aforementioned means, the notification shall be made in writing and an edict shall be published in a newspaper of general circulation in Puerto Rico.

The published edict shall contain the following information:

(1) The allegation or modification of the child support;

(2) The name of the parties claiming child support;

(3) The amount of child support requested, fixed or modified, provisional or established, or the amount of support owed, as the case may be;

(4) The date on which the support payment must be made and the demand to pay the fixed sum;

(5) The right to opportunely present his/her objection and defense of the allegations contained in the notification to the Administrative Judge. Furthermore, he/she shall be admonished that if the objection is not submitted in a timely manner, the allegations made in the notification of allegation of filiation and obligation to provide support shall be understood to be the truth, and the Administrator shall issue an order of filiation and child support pursuant to the provisions provided in the initial notification;

(6) Any other information adopted by the Administration by means of Regulation.

(C) Procedures to contest the notification of allegation of filiation and obligation to provide child support.

The obligor shall present his/her objections and defense within twenty (20) days from the date of the personal serving or the receipt by certified mail of the notification, or thirty (30) days from the date of publication of the edict if the petitionee is out of the jurisdiction of Puerto Rico.

If the obligor or the petitionee, submit a timely objection, defense, or both, the Administrative Judge shall review same to determine their validity. If the child support or the filiation are established, a support or filiation and support order shall be issued within twenty (20) days after the submittal of the objection or defense of the initial notification and the obligor shall be notified of his/her right to request a reconsideration of the order of the Administrative Judge and the holding of an informal hearing, to submit evidence, to an impartial adjudication, and that the determination shall be made based on the record.

(D) *Genetic Tests*

(1) In any administrative procedure in which paternity is a pertinent fact, and the mother, child, and the alleged biological father are ordered to submit to genetic tests, the petitioner shall defray all expenses pertaining to the required tests in those cases in which the results thereof are negative. In the case the results of the tests are positive, the petitionee shall meet the expenses. If the party obligated to pay the costs of the tests is the beneficiary of financial assistance of the Temporary Assistance Program of the Department of the Family, or the Aid to Medical Indigent Families Program (Medicaid), the Administration shall pay the costs thereof.

Paternity shall be presumed indisputable in those cases in which the petitionee refuses to submit to the genetic test ordered by the Administrator or the Administrative Judge. The tests shall be conducted by duly qualified experts who are appointed by the Administrator, and upon completion, the results shall be notified to the parties. Before admitting said tests as evidence, the Administrator or the Administrative Judge shall determine and state for the record that the tests have been conducted under the strictest norms required for this type of analysis.

The test shall be admissible as evidence without need for corroborative evidence of authenticity or certainty, unless an objection in writing is filed before the Administrative Judge and the opposing party is notified within not less than twenty (20) days after receipt of the genetic test results, but never less than ten (10) days prior to the date of the hearing. If an objection to the genetic test is presented, pursuant to the provisions herein set forth, an additional genetic test shall be ordered only if the objecting party files a request for an additional test and provides the payment for the test in advance.

Paternity shall be presumed contestable in those cases in which the genetic test ordered by the Administrator or the Administrative Judge produces a probability of paternity of ninety-five (95) percent to ninety-seven point nine (97.9) percent, but the burden of challenging the paternity shall fall upon the alleged father. Paternity shall be presumed indisputable in cases in which the genetic test ordered by the Administrator or the Administrative Judge produces a probability of paternity of ninety-eight (98) percent and above.

(C) *Review and Reconsideration Before an Administrative Judge.*

Any party adversely affected by the order of filiation and child support issued by the Administrator may request the Administrative Judge to reconsider within twenty (20) days, or thirty (30) days, if the petitionee does not reside in Puerto Rico, from notification of the order. If reconsideration is not requested within the indicated term, the order of filiation and child support shall be final and binding.

Any party adversely affected by the order of filiation and child support of the Administrative Judge may request reconsideration within twenty (20) days, or thirty (30) days from notification of the order, if the petitionee resides out of Puerto Rico. If reconsideration is not requested within the designated term, the filiation and child support order shall be final and binding.

If the obligor opportunely presents his/her petition for review or reconsideration, the administrative hearing shall be held within twenty (20) days, or thirty (30) days if the petitionee resides out of Puerto Rico, following the date of the petition. The Administrative Judge shall make determinations of fact and law and issue his/her ruling on the conclusion of the hearing. Excessive rigor shall be avoided in the holding of the administrative hearings.

The petition for revision or reconsideration does not exempt the petitioner from compliance with any order or decision of the Administrator or Administrative Judge, nor otherwise suspend or postpone the effectiveness thereof, unless there is a special order from the Administrator or Administrative Judge, upon a determination that the minor shall suffer irreparable damage if said suspension is not decreed.

(D) In any procedure under this Section, pregnancy or genetic test expense related receipts shall be admissible as evidence without requiring witness corroboration by third parties and shall constitute prima facie evidence of the expenses incurred for these services or tests in behalf of the minor or minors.

(E) Any order issued pursuant to this Section shall contain a disposition to require all parties in the case to inform the Administration of any change in residential address and/or employment address, or changes in the available health insurance coverage, within ten (10) days from said change. The Administration shall present the order and the form that must be completed pursuant to the provisions set forth in this Act, within twenty (20) days from the date of issue of the order, at the State Register of Child Support Cases.

Any order, resolution or ruling to set, review, or modify a support order, or to ensure the enforcement of the payment of the child support established by means of the administrative procedure, to all effects of law, shall have the same force and effect as an order, resolution or ruling set forth through an ordinary judicial procedure.

The debt for noncompliance with child support payments shall be claimed by means of any mechanism for the enforcement of child support payments contemplated in this Act.

Section 11-A. — Expedited Administrative Procedure; Judicial Review. (8 L.P.R.A. § 510a)

Pursuant to the provisions set forth in Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico, the

adversely affected party may, within thirty (30) days from the date of filing of the copy of the notice of the final order or ruling of the Administrative Judge, submit a petition for a revision by the Court of Appeals.

To request a judicial revision, it shall be a jurisdictional requirement to have opportunely requested a reconsideration of the order for which the appeal is filed. In child support cases in which paternity has been determined, the affected party may resort to the Court of First Instance, which in turn may consider the case as a revision or hold another trial.

Article VI. — Expedited Legal Procedure.

Section 12. — **Expedited Legal Procedure - Petition.** (8 L.P.R.A. § 511)

Judicial procedures under this Act commence with the filing of a document which contains all the information available and true, sworn under oath or stated under admonishment of perjury, with respect to the petitioner, the obligor (or possible obligors) and the obligee, to wit:

- (a) Name and residential and mailing address, including the telephone number or the number of the nearest telephone.
- (b) Federal Social Security number.
- (c) Whether he/she pays or receives support and the amount thereof.
- (d) If there is an order for support and a copy thereof or a description of the case.
- (e) If he/she pays or receives the benefits of a medical plan.
- (f) With regard to the obligor and the petitioner, if employed, the name, address and telephone number of the employer (including the address of the main office or payroll section of his/her job) and the weekly or biweekly salary received; or if he/she has his/her own business, all the information to that respect.
- (g) With regard to minors, the sex, date of birth, place of birth, age, occupation and, if disabled, the type and degree of disability.

The Answer to the Petition shall contain the same information stated above and in the same manner.

If the information is provided by counsel in representation of any of the parties, the same shall be understood to be a certification that the information is the truth to the best of his/her knowledge and belief and under his/her responsibility as an official of the Court.

Once the Resolution has been filed, it shall be the duty of the Clerk of the Court to immediately issue the corresponding summons or citation to the petitioner.

The obligee need not file a formal complaint against the obligor as a prior condition to filing the writ. The action shall not be dismissed for lack of mere formalities in the writ thus filed. For the effects of determining the time it will take to process a case under this Act, however, it shall be understood that the action begins on the date the notice of the action was served, as provided in Section 15 (4) of this Act. In any action in which a request for child support is made, collaterally or principally, the parties shall notify the Administrator for the purpose that he/she can participate as an indispensable party in those cases where there has been a cession of the right to support.

Nothing of what is established in this Section shall affect the provisions of Act No. 71 of June 20, 1956, as amended.

Section 13. — Expedited Legal Procedure - Examiners. (8 L.P.R.A. § 512)

(1) The Chief Justice of the Supreme Court shall provide, pursuant to subsection (3) of this Section, for the appointment of a sufficient number of examiners to preside over the child support and filiation hearings in order to guarantee an expedited procedure in these cases. The examiners shall be attached to the Superior Part of the Court of First Instance.

As used in this Section, an expedited procedure means a process that shortens the time to transact an order to fix or modify child support or to ensure the effective collection of child support payments so that ninety percent (90%) of the cases may be resolved within the term of three (3) months; ninety-eight percent (98%) within the term of six (6) months and the totality of the cases, or one hundred percent (100%) within the term of twelve (12) months. The terms set forth in this clause shall be counted from the date in which the notice of the petition was served, as established in Section 15, subsection (4) of this act, until the date of its final resolution by the court.

The date of final resolution shall be deemed to be the date on which a child support order or an order to execute the payment of child support is entered in the record, or on which the petition for child support is dismissed on its merits or for lack of jurisdiction over the respondent or defendant, or the date on which the Examiner refers the case to the Judge of the Court of First Instance, Superior Part, for lack of authority of the Examiner to rule on the controversies as provided in subsection (2) and (3) of Section 18 of this act.

(2) Notwithstanding the provisions of the Rules of Civil Procedure regarding Commissioners, the examiner shall make findings of fact and conclusions of law and recommend remedies to a Judge of the Court of First Instance, Superior Part, in any proceeding regarding child support, as well as filiation in those support cases in which the paternity of the minor is in controversy, with the exceptions stated in this subsection.

The examiner shall be authorized to:

(a) Take oaths and direct and allow the parties to become involved in the discovery of information to expedite the procedure and resolution of the controversies, pursuant to Section 16 of this Act, and to receive testimony and any other evidence as well as to establish a case file.

(b) Accept the voluntary acknowledgement of paternity of the obligee or that executed under oath, as well as the voluntary acknowledgment of the obligation to provide support and the stipulations or agreements that establish the amount of child support to be paid.

(c) Hold a hearing should the defendant fail to appear after having been duly notified and recommend that a child support and/or filiation order be issued. In case paternity is contested, as pertinent, the examiner shall require, through an order under admonishment of being held in contempt, that the persons involved submit to the genetic tests. The report on the results of the test shall be immediately notified to all parties and to those from whom a test was required. Paternity shall be presumed controvertible in those cases in which the genetic test ordered by the examiner or by the court produces a probability of paternity of ninety-five (95) to ninety-seven point five (97.5) percent. Paternity shall be presumed incontrovertible in those cases in which the genetic test ordered by the examiner or by the court produces a probability of paternity of ninety-eight (98) percent or more.

In those cases in which a putative father refuses to submit to the test ordered by the examiner or the court, the examiner shall recommend that the judge render a judgment of contempt.

Concerning any procedure initiated under this section, any receipt, medical report or proof of pregnancy, delivery or genetic test shall be admissible as evidence without requiring corroborative testimony of third parties and shall constitute prima facie evidence of its contents and of the expenses incurred for these services or for the tests conducted in favor of the minor or minors.

The genetic tests shall be admissible without the need to provide any other corroborating evidence or any other evidence of authenticity or certainty unless a justifiable objection is filed in writing with the examiner and the opposing party is notified within a term of twenty (20) days after receipt of the report of the results of the test, or before the ten (10) days of the date of the first hearing scheduled for that purpose, but under no circumstances afterwards. Should an objection to the genetic test be filed, an additional tests shall be ordered only if the objecting party files a justified petition for additional tests and provides payment in advance to cover the cost of the tests. Should a timely objection be filed, admissibility of the results shall be determined by the examiner in a fair and reasonable manner. The cost of the original genetic tests shall be recovered in favor of the prevailing party, but the costs may not be recovered for any individual who receives benefits from the Temporary Assistance Program of the Department or from the Medically Indigent Assistance Program. (Medicaid).

(d) Receive and evaluate the evidence pursuant to this Act and submit a report to the court containing the findings of the facts, conclusions of law and recommendations regarding the fixing, modifying or enforcing support payments and filiation orders.

(e) Determine that any person before such examiner has violated or is violating an order or resolution from the court or the examiner and remit the case, subject to confirmation by a Court of First Instance Judge who shall impose the corresponding legal penalty for said violation.

The examiner shall have authority to consider contested disputes of paternity, but not of custody or patria potestas and paternal or maternal filiation relationships.

(3) The examiners shall be attorneys who have been admitted to the practice of their professions in the Commonwealth of Puerto Rico for at least three (3) years.

The examiners shall be appointed by the Chief Justice of the Supreme Court to work full time for the term the latter may determine and they may be reappointed for subsequent terms according to the requirements of the system.

The Supreme Court shall adopt the rules to govern the selection, appointment, removal, compensation, and training of the Examiners.

Section 14. — Expedited Legal Procedure - Agreements or Stipulations. (8 L.P.R.A. § 513)

When the parties reach an agreement on support, it shall be submitted to the Examiner for his/her approval according to the Mandatory Guides to Fix and Modify Support Payments in Puerto Rico, adopted as provided in this Act. Nevertheless, the Examiner at his/her

discretion, may direct that an informal hearing be conducted to verify that the needs of the obligee shall be properly met and that the obligor is able to comply with the stipulations.

When an agreement is reached prior to initiating the procedure before the Examiner, or in those cases which are under consideration by a Judge of the Court of First Instance, the support agreement that is reached shall be submitted directly to the judge for his/her approval.

Section 15. — Expedited legal procedure - Notice of action. (8 L.P.R.A. § 514)

(1)

(a) Upon filing a petition or brief in the court regarding the obligation of providing support, including those in which support is claimed for a spouse, ex spouse, or any other relative who has the custody of the minors and the defendant resides in the Commonwealth of Puerto Rico, the clerk of the court shall immediately proceed to docket the hearing before the examiner for a date within not less than fifteen (15) days nor more than twenty (20) days from the date the petition is filed and, notwithstanding what is established in the Rules of Civil Procedure, shall issue a document of personal notice and summons to a hearing requiring the defendant to show cause why a judgment, resolution or order should not be issued as requested in the petition or brief.

(b) The notice-summons, attached to a copy of the petition, shall be served or notified by the petitioner no later than five (5) days prior to the date of the hearing, sending it to the defendant's address by certified mail with return receipt requested, if known, establishing this knowledge by means of a sworn statement to that effect at the time the petition is presented, or personally, following the procedure used to serve summons. In cases in which two (2) years or more have elapsed since the last support payment order with no judicial incident having arisen between the parties, the action shall be served following the procedure used in the personal service summons. When the obligor's address is unknown or cannot be located, summons to the hearing shall be made through the publication of an edict in a newspaper of general daily circulation in Puerto Rico.

(c) When the defendant has been summoned at least five (5) days prior to the date of the hearing, as docketed by the clerk of the court, the examiner, as provided in § 516 of this title, shall immediately recommend provisional support payments at this time and shall docket the hearing of the case to be held within ten (10) days, unless one or both parties express his/her determination to the examiner to make use of the regular mechanisms for discovery of evidence pursuant to the Rules of Civil Procedure of Puerto Rico, in which case the hearing shall be docketed for the next available date pursuant to the provisions set forth in § 515 of this title. The judge shall adopt or modify the recommended provisional support payments and shall issue an order to that effect. The provisional support payments shall remain in effect until the court issues a new decision or resolution.

(2)

(a) When the petition for support is part of a divorce action or marriage annulment and the conditions regarding the obligee and the defendant's residence set forth in subsection (1)(a) of this section are satisfied, the clerk of the court shall immediately proceed to docket the support hearing before the examiner and shall issue a notice-summons,

pursuant to subsection (1)(a) of this section. To serve notice, the plaintiff shall abide by the provisions of subsection (1)(b) of this section.

(b) In said hearing, provisional support shall be recommended to the court, which, if adopted, shall remain in effect during the proceedings of the divorce or annulment case. However, said divorce or marriage annulment action shall follow the regular judicial course, including the service of notice on the defendant, as established in Rule 4 of the Rules of Civil Procedure. Nothing of what is established herein shall prevent the service of the summons and notice to be served together with a copy of the divorce or annulment action.

(3) Actions in which the determination of the paternity of the minor who requests support is in dispute shall be exempted from the application of the provisions of this section.

(4) To determine the time it takes to handle a case under this Act, the term shall begin to be counted from:

(a) The date on which the notice-summons was served, if the personal serving of the summons followed the established procedure.

(b) The publication date of the edict, if the defendant were summoned for hearing following that procedure.

(c) The date the notice-summons was received as shown on the return receipt, if the defendant was notified by certified mail with return receipt requested.

Section 16. — Expedited legal procedure - Compulsory Discovery of Information. (8 L.P.R.A. § 515)

In all judicial procedures related to support payments, the discovery of the financial status of the obligor and the obligee shall be compulsory.

At the request of any of the parties, the presentation of a certified copy of the income tax return as well as the certification of wages or salary by the employer shall be compulsory.

The Office of the Court Administration shall prepare a form to serve as a guide regarding the minimum information required as to the financial status of the parties, the needs of the obligee and the obligor's ability to pay. The completed and sworn form or any similar document, also sworn, containing all the required information shall be filed with the clerk of the court and notified to the other party prior to the hearing, and shall bind the affiant to the penalties provided for perjury.

The filing of this form shall not constitute an excuse with respect to the parties' obligation to disclose all circumstances that can help in determining their particular financial status.

The filing of this form or any other similar document shall not constitute an obstacle for the use of the mechanisms for discovery of evidence as established by the Rules of Civil Procedure, App. III of Title 32. Nevertheless, the decision to use the mechanisms for discovery of evidence shall not be a reason to suspend the hearing docketed by the clerk of the court as established in Section 15 of this act. In that hearing, the amount of the provisional support to be recommended to the judge shall be determined, and a new hearing shall be set for the next available date. The provisional support payments thus established shall remain in effect until the court issues a new order or resolution.

When regular mechanisms for the discovery of evidence are used no extensions shall be granted to comply with the terms established by the Rules of Civil Procedure except by the strict demonstration of just cause.

The sanctions provided in the Rules of Civil Procedure for refusing discovery or for answering the questions asked as part of the procedure of discovery of evidence evasively shall be applied with all the rigor of the court, including the imposing of attorney's fees.

Section 17. — Expedited legal procedure - Provisional support order. (8 L.P.R.A. § 516)

In addition to the provisions of Sections 15, 16 and 18(2), the examiner shall recommend the fixing of a provisional support pension when, by petition of any of the parties, or for any other reason, the hearing is postponed, information or evidence is lacking, the case is referred to a judge or transferred to another part or section of the court, or when the needs of the person entitled to support are so urgent that it is thus required, except in the cases in which the paternity of the person entitled to support is in controversy. However, even in the cases in which the paternity of the person entitled to support is in controversy, if there is clear, convincing and admissible evidence of the paternity, based on a genetic proof of paternity a provisional support order shall be issued. The provisional pension shall remain in effect until the judge issues a new ruling or a resolution. The provisional pension shall be retroactive to the time that it was judicially requested.

Section 18. — Expedited legal procedure - Hearing. (8 L.P.R.A. § 517)

(1) The examiner shall hold the hearing on support and within a term of twenty (20) days shall submit a report to the court with his/her recommendations containing findings of fact and conclusions of law.

The Rules of Evidence, App. IV of Title 32, shall apply to the proceedings before the examiner.

(2) In cases before the examiner in which complex issues arise, or when controversies on custody, or patria potestas, or maternal-paternal filiation relationships are involved or arise, except in procedures which require the establishing of the paternity of the obligee and the obligor-defendant does not acknowledge it, the examiner shall recommend that a provisional support order be issued pursuant to Section 17 of this act and shall refer the case for regular judicial procedures.

(3)

(a) When voluntary acknowledgement of paternity occurs, the examiner shall recommend to the court that a judgment be rendered to such ends, establishing the paternity of the obligee as well as the amount of child support payments to, be fixed.

(b) When the paternity is in controversy, the examiner shall order genetic tests pursuant to § 512(2)(c) of this title, and on the basis of the results thereof duly admitted as evidence, shall submit a recommendation to the court that an order be issued.

The cases in which the determination of paternity of the minor is in dispute are exempt from the provisions on expedited procedure.

(4)

(a) The fact that the brief or petition regarding support requests a modification of a previously issued order by a competent court shall not prevent the examiner from acting in accordance with the provisions of § 516 of this title and of making recommendations to the court to keep the same, or establish a provisional support order that is different from the one whose modification is being requested.

(b) In cases that, in the opinion of the Court of First Instance Judge, one of the parties in the suit has frivolously presented a controversy regarding custody, patria potestas or maternal-paternal filiation relationships with the subsequent result of preventing the intervention of the examiner and delaying the process of final adjudication of support, the court shall impose financial sanctions on that party and/or his/her attorney, including payment of attorney's fees in favor of the other party.

(5) The examiner's report shall include findings of fact, conclusions of law and recommendations regarding support which shall be referred to the Court of First Instance.

The Court of First Instance Judge may concur with the examiner's determinations, conclusions and recommendations, or he can make his/her own findings of fact or conclusions of law, with or without a prior hearing, and issue the corresponding order, resolution or sentence, which shall be notified to the obligor and the obligee or to the Secretary of the Family, as the case may be. Every order, resolution or judgment to fix or modify support or to ensure the effectiveness of the payment of support, established through the expedited procedure provided in this Act, shall have, for all legal effects, the same force and effect as an order, resolution or judgment established through the regular judicial procedure.

(6) All child support orders issued by the court pursuant to a recommendation of the examiner or of its own accord shall contain a disposition requiring all parties in the action to inform the Administration of any change in residential address and/or employment address, or changes in the available health insurance coverage, within 10 days from said change. The court shall remit the order along with the form that must be completed to the Administration pursuant to the provisions set forth in Section 23 of this act within 30 days of the date of issue of the order for same to be filed in the State Register of Child Support Cases.

It is also provided that Rule 62.2 of the Rules of Civil Procedure of 1979 shall not apply to the Administration which, being an interested party shall have access to and may copy the court files cases in which child support has been established.

Article VII. — Child Support Order.

Section 19. — **Child Support Order - Determination, Review and Modification of Support Payments – Mandatory Guidelines.** (8 L.P.R.A. § 518)

(a) *Mandatory Guidelines* - The Administrator, in coordination and consultation with the Administrative Director of the Office of Court Administration, shall prepare and adopt guidelines to determine and modify child support of minors. These guidelines shall be approved pursuant to the provisions set forth in Act No. 170 of August 12, 1988, as amended, known as the Uniform Administrative Procedures Act of the Commonwealth of Puerto Rico. The guidelines shall be based on numeric and descriptive criteria that will allow the computation of the amount of the child support obligation. They shall be reviewed every four

(4) years from the date of their approval, to ensure that the child support resulting from their application is fair and adequate. The Administrator shall assume and answer for the expenses incurred for the preparation, adoption and printing of the guidelines, and may sell them at a fair and reasonable price. The income from said sales shall be deposited in a Special Fund for Services and Representation in Cases of Child Support created by this Section.

(b) *Determination* - In every case in which the fixing or modification of the guidelines is requested, or an agreement or stipulation of the support payment is reached, it shall be mandatory that the Court or the Administrator, as the case may be, determine the amount by using the guidelines adopted pursuant to the provisions of this Act.

If the Court or the Administrator, as the case may be, determines that the application of the guidelines may result in unfair or inadequate child support, it shall so be stated in the resolution or judgment that it issues, and shall determine the child support after considering, among others the following factors:

- (1) The financial resources of the parents and the minor;
- (2) the physical and emotional health of the minor and his/her educational or vocational abilities;
- (3) the way of life the minor would have enjoyed had the family remained intact;
- (4) the tax effect on the parties, when it is practical and pertinent; and
- (5) the non-monetary contributions of each parent to the care and welfare of the minor.

It shall also state the amount of the pension which would have resulted if the Mandatory Guidelines to Fix and Modify Child Support in Puerto Rico adopted pursuant to the provisions set forth in this Section, had been applied.

In determining the financial resources of the obligor to pay child support, in addition to the regular net income, the total capital and property of the obligor shall be taken into consideration. The same criteria of the custodial person shall be considered for the proportional calculation to be adjudicated to him/her.

All support orders shall include a provision requiring the obligor to provide health insurance coverage, if same is available at a reasonable cost. For purposes of this Section, the cost of the health insurance coverage shall be considered reasonable if same may be obtained with the insurance provided by an employer to the employee or another group health insurance policy. If the obligor has health insurance coverage, he/she shall have to include the minor, however, it may be stipulated that the obligor defrays the corresponding proportion if the obligee has another health insurance coverage. If the obligor changes employment and the new employer provides health insurance coverage, the Court and the Administrator must be notified within the next ten (10) days, and the minor must be included. The Court or the Administrator shall order and notify the employer and the parties that the minor shall be included in the health insurance coverage, granting a term of not less than ten (10) days to challenge, and shall order the inclusion of the minor in the health insurance coverage, unless an objection is filed within term and for just cause. When the objection is filed, an informal hearing shall be held for the sole purpose of determining whether there is an error of fact or if the health insurance coverage is available at a reasonable cost, and if appropriate, an order to include the minor in the health insurance plan shall be issued.

Payments for support and increases thereof shall be effective from the date the petition for support was filed in the Court, and in administrative cases, from the date of notification of the child support petition to the obligor. Under no circumstances shall the Court or the Administrator reduce support unless the obligor has filed a petition to such effect, after due notice to the obligee or creditor. The reduction of support shall take effect from the date in which the Court or the Administrator issue a decision on the petition for reduction, or the Administrator modifies the support payment established pursuant to the regulations on periodic revision to be adopted. Any payment or installment due under a support order issued through the expedited administrative procedure, or through the judiciary procedure set forth in this Act, becomes a judgment from its expiration date, for all legal effects, and thus shall have all the force, effect and attributes of a judicial judgment, including the capability of being enforced, and deserving that full faith and credit be granted to it in Puerto Rico or in any state, except that, under special circumstances, the Court or the Administrator may make the reduction effective as of the date of service of the petition for reduction to the obligee or creditor, or the notice of the intention to modify, as the case may be. The retroactive reduction of the amount of the support payments due and unpaid shall not be permitted.

The modification of the agreements or of the judgments, resolutions or support orders may only be requested by the obligee or the obligor the Court or the Administrator. Under no circumstances shall support be modified within the procedure to object the withholding of the obligor’s income at the source, as provided in Section 24.

(c) *Review Using the Mandatory Guidelines* – All support orders (sic) each (3) years from the date in which the order was established by the Court. In those cases in which the support was established by the Court, the Administrator shall carry out the review and immediately notify said forum, by means of a motion, of the facts and results of such review.

In addition to carrying out the review of an order through the Mandatory Guidelines to Fix and Modify Child Support, the review every three (3) years may be based upon the application of a cost of life adjustment. The parties shall have the right to challenge the result of the review filed in the forum that ordered the review within thirty (30) days from the date of notice of the adjustment. During such term, the order may be established through the application of the Mandatory Guidelines to Fix and Modify Child Support.

(d) *Modification* - The Administrator or the Court, at the request of a party or at their own discretion, shall initiate the procedure to modify a support order at any time and out of the cycle of three (3) years, when it is deemed that there is just cause to do so, such as significant variations and changes or unforeseen events in the income, capacity to generate income, disbursements, expenses or capital of the obligor or obligee, or in the expenses, needs or circumstances of the minor, or when there is any other evidence of substantial change in circumstances. All child support orders issued by the Court or the Administration shall instruct the parties of their right to request a modification of the order and in those cases under the jurisdiction of the Administration, said notice shall continue to be issued at least once every three years. Notwithstanding any law or disposition otherwise, the requirement of significant or unforeseen change in the circumstances of any of the parties is complied with if the application of the Mandatory Guidelines to Fix and Modify Child Support in Puerto Rico adopted pursuant to the provisions set forth in this Act, results in an amount that is different

to the current support that has been ordered. The need to provide for the health care of a minor in an order shall also be the basis for the modification of the child support.

The Administrator shall establish by regulation the procedures for carrying out the review, determining when the modifications shall apply, provisions regarding the notice and the provision regarding the applicable federal requirements.

Section 20. — Child support - Manner of payment. (8 L.P.R.A. § 519)

The payment of support can be made, among others, from the wages or salary, or from other income, whether periodic or not, received by the obligor from other sources that are not the product of his/her work such as revenues and interest. In the case of child support the court or the Administrator shall determine the amount that best responds to the child's interests and well-being pursuant to the Mandatory Guidelines to Fix and Modify Support Payments in Puerto Rico, adopted as provided in this Act.

Section 21. — The Support Order – State Collections Unit. (8 L.P.R.A. § 520)

(a) The Administration shall establish a state collections unit which shall be responsible for the collection and distribution of all the support payments made in the Commonwealth of Puerto Rico.

All orders making dispositions on support shall indicate that the obligor shall pay said support to the Administrator or the Court at the location designated by same. The Secretary shall establish by regulation the manner in which the obligor shall pay the child support, at the designated locations, including, but without being understood as a limitation, electronic transfers, and credit and debit cards. As of July 1, 1995, any order disposing on a support order shall indicate that the obligor shall pay said support to the Administrator at the location designated by same.

To comply with the purposes of this Act, even if there is a support order that requires payments to be deposited with the Clerk of the Court, or to be remitted to the obligee, the Administrator may order the obligor to remit the payments to the Administration at the location designated by same.

(b) The collection unit shall :

- (1) Supply information to the parties regarding the current status of the support payments;
- (2) Distribute the support payment amounts collected from the employers or other sources of periodic income within two (2) workdays from their receipt, as long as there is sufficient information to identify the beneficiary and with respect to payments in arrears, that no appeals are pending regarding the arrears;
- (3) Remit income withholding notices pursuant to the provisions set forth by the Secretary of the Department of Health and Human Resources of the United States, to employers or other sources of income within two (2) workdays from the receipt of the notice that the withholding shall be made, and the notice on the location of the source of income in which same shall be withheld; or as provided in Section 10 a of this Act;
- (4) Give follow-up to the payments to promptly identify the failure to make payments quickly; and

(5) Use automatic procedures to enforce support obligations in those cases in which the payments have not been made on time.”

(c) Notwithstanding the dispositions set forth in this Section, the Court shall have discretion to consider agreements to the effect that the support payments shall be made through direct payments, as long as:

(1) The parties have been instructed by their respective legal representation regarding the benefits of payments through the Administration. If one of the parties does not have legal representation, the Court shall issue the necessary warnings, after which the party shall ratify or withdraw its decision,

(2) The parties accept that this is a free and voluntary decision,

(3) The parties voluntarily agree to waive the benefits of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended, provided through the IV-D Agency,

(4) The support order has never been subject to an income withholding order or that the income withholding should not be granted according to the provisions in Section 24 of this Act,

(5) The minor obligee is not in a Department of the Family substitute care home,

(6) No domestic violence history exists,

(7) The payment history is positive and the relationship between the parties is good, and

(8) Not issuing an income withholding order to the employer of the obligor shall result in the best interest of the minor.

When the Court favorably considers the agreement for direct payment of the support it shall establish in the order the terms under which the payment shall be made. In the case of noncompliance or arrears, the Court, of its own accord or at the request of a party, shall leave the direct payment agreement without effect and immediately shall order that the payment be made through the Administration.

Participants or ex-participants of the Temporary Assistance to Needy Families Program shall not receipt payment by the direct method unless they demonstrate that the child support payments have been met and the benefits of the program have ended.

To receipt payment by the child support direct payment plan it shall be necessary to comply with all the aforementioned requirements.”

Section 22. — Attorney’s Fees. (8 L.P.R.A. § 521)

(1) In any procedure pursuant to this Act to fix or modify a support order, the Court or the Administrative Judge shall impose on the obligor the payment of attorney’s fees on behalf of the obligee when the latter prevails.

(2) The Court or the Administrative Judge can impose on the obligor the payment of attorney’s fees on behalf of the obligee when provisional support is established.

(3) In cases where the parties are married to each other and one of the spouses controls all or most of the liquid assets of the community property, the Court or the Administrative Judge shall order the party who controls the community property to immediately pay reasonable attorney fees to the other spouse, as requested.”

Section 22-A. — Support Order – Payment, Collection and Distribution. (8 L.P.R.A. § 521a)

(a) The Administrator may collect, receive, endorse, deposit and distribute the amount of support payments to the obligee as set forth hereinunder:

(1) If the amount received for support payments cannot be remitted promptly to the obligee, the same shall remain under the custody of the Administrator in a special interest-bearing bank account. In those cases, the Administrator is hereby empowered to endorse and deposit in said account the bank checks, money orders and any other assets drawn in favor of the obligee or the Administrator. The Administrator may draw on said account to attend to the claims of the obligee to whom said payment corresponds. The disbursements against this account shall be made pursuant to the regulations adopted by the Administrator, with the approval of the Secretary, in coordination with the Secretary of the Treasury. The special bank account authorized by this Section shall also be governed by the applicable federal provisions. The Administrator may receive, endorse, and deposit any asset in payment of support that is in his/her name, or in the name of any other official whom he delegates, or an employee of the Administration or when it is in the name of a person that cannot be identified or the address is unknown; or when the address of the drawer or the source of said assets is unknown; or for any other like cause.

The power granted to the Administrator to receive, endorse, and deposit bank checks, money orders and other assets issued as support payments is extended to any other assets of the same nature that he/she has in his/her custody on the effective date of this Act, and those to be received in the future.

(2) In the case of the death of the obligee entitled to receive a sum for the stated reason, the Administrator is authorized to return the amount thereof to the obligor.

(3) When the persons entitled to payment are under age or disabled, it shall be given to the guardian or the person in charge of said minors or disabled persons if, after the corresponding investigation, it benefits the best interests of the minor.

(b) Once the support payment has been made in the manner provided by this Act, the Administrator, his/her agents and employees are released from all future responsibility.

The amount of the support payment of an obligee who cannot be located shall be put into the Special Fund created in Section 106 of this Act, after five (5) years have elapsed without being claimed. The Administrator shall publish a notice in a newspaper of general circulation with the name of the obligee, his/her last known address, manner of claiming the amount of the support payment and any other information established through regulation.

After sixty (60) days of publishing the notice, if the amount of the support payment has not been claimed, it shall be put into the Special Fund.

(c) After two (2) days elapse, pursuant to the provisions in Section 24, subsection 5(b), the interest earned on undistributed payment amounts shall be paid to the person entitled to such payment. The Administrator shall periodically transfer the interest earned on undistributed payment amounts in the special bank account authorized by this Section to the Special Fund for Services and Representation of Child Support Cases created in Section 6 of this Act. These funds shall be destined solely and exclusively for the following purposes:

(1) To defray the expenses incurred by the Administrator to locate obligors or render services to obligees; and

(2) To strengthen and expedite the procedures authorized by this Act.

(d)

(1) Any person who causes or induces another person into making a declaration or statement of fact with respect to a material fact with full knowledge that same is false, or who knowingly hides or induces another person to hide any material fact, and as a consequence of said act receives any support amount to which same is not entitled, pursuant to this Act, such a person shall be bound to return said amount to the Administrator, to be returned to the obligor within five (5) years from the date on which the Administrator makes such a determination, or the amount shall be deducted from any current child support payment.

(2) No redetermination or decision shall be understood as an authorization to reimburse the amount of any support payment or the reduction of said amount from future payments, unless notice in writing of such determination is sent specifically stating that the person is bound to reimburse the amount of the payment due to concealment or giving false

representation of a material fact, pursuant to the specifications in clause (1) of subsection (d) of this Section, as well as the nature of the concealment or false representation and the time at which the payments were made.

(3) In any case in which under this subsection a person is bound to reimburse the Administrator any amount to be returned to the obligor, such amount shall be collected without interest through civil action initiated in the name of the Administrator.

(4) If an obligee receives child support payments to which same is not entitled for any reason other than those specified in clause (1) of this subsection, such unduly collected payments shall be recovered, without interest, within five (5) years from the date in which such determination became final and binding through:

(a) The deduction of current future payments from the obligor starting from the date of the determination of overpayment. Provided that said deduction shall not exceed 10% of the current payment to which same is entitled; or

(b) The establishment of a fair and reasonable payment plan subject to the conditions prescribed to such effects by the Administrator by means of regulation or administrative order.

No redetermination or decision shall be understood as an authorization for the deduction of the current payment amounts, unless a written notice is issued, notifying said determination and stating that the person is bound to reimburse the payment amount. The written notification shall indicate the source of the overpayment, the overpaid amount, the dates to which same correspond and the right of the person to request the revision of same, as set forth by means of regulation.

Article VIII. — Measures to Assure Effective Payment of Support.

Section 23. — Measures to Assure Effective Payment of Support - Information. (8 L.P.R.A. § 522)

(a) When by judgment, order, or by judicial or administrative resolution, the payment of child support has been established, both the obligee and the obligor shall file a form through a motion to the Court or the Administrator, which in addition to other information, shall contain the following:

(1) Complete name, residential address, telephone numbers, age, date and place of birth, and social security number of the obligee, the minor and the party obliged by the support order, and the complete name, address, telephone numbers, social security number and age of each of the other dependents. It shall also indicate which of the dependents are entitled to receive support, stating the name, address, social security number, telephone numbers, and amount of the child support of the obligors.

(2) Name and address of the employer, as well as telephone numbers, employer social security number, and work place of the obligee and the obligor. The wages, salary and income; other sources of income and amount of income; credits in his/her favor and the name and address of his/her creditors, or persons or entities, other than financial in nature, who manage said property, or who are in possession of same; any personal property whose individual worth is over one thousand (1,000) dollars, the address where it can be found, and the name, address, telephone numbers and social security number of the person who has it in his/her possession; real property he/she owns, including the addresses and respective registry information.

(3) A statement as to whether he/she has requested, receives or has received any economic assistance from the Department, indicating under what name and the corresponding dates.

(4) Any other information that is essential and necessary to comply with the purposes of this Act, as requested by the Court or the Administrator.

All judicial and administrative orders shall establish that the obligation to supply the foregoing information is continuous in nature, and any change in the creditor's or obligor's circumstances shall be notified immediately through a motion to the Court and the Administrator.

Willful noncompliance with the provisions of this Section shall constitute a violation of this Act and may entail the imposition by the Administrator of fines, penalties, interest, attorney fees, expenses and costs, as well as civil or criminal contempt of Court.

(b) The information supplied by the parties pursuant to this Section in a support action shall be remitted to the State Register of Child Support Cases of the Administration, pursuant to the provisions in Sections 11 and 18 of this Act. At the discretion of the Court, or of the Administrative Judge, it shall constitute compliance with this Section to remit the following minimum of information within the body of the support order, rather than remitting a complete form with personal and financial information:

(1) Names and addresses of both parties and the minors included in the action.

(2) Social security numbers of both parties.

(3) Names and addresses of the employers of both parties, if employed.

- (4) Dates of birth of both parties and of the minors included in the action.
 - (5) Information on the health care plan of the parties, if any.
 - (6) Any other relevant information that the Administration requires.
- (c) In addition to the foregoing information, the State Register of Child Support Cases of the Administration shall maintain and update the following information on all registered cases:
- (1) The amount of periodic support payments and other amounts, including arrears, interest, or penalties for payments in arrears and costs due or owed pursuant to the order.
 - (2) Collections on owed amounts.
 - (3) Distribution of collected amounts.
 - (4) Amount of liens imposed pursuant to this Act.
 - (5) Judicial or administrative actions taken in the case.”

Section 24. — Measures to Assure Effective Payment of Support – Income Withholding; Order and Notice. (8 L.P.R.A. § 523)

- (1)
- (a) The Court, the Administrator, or the Administrative Judge, pursuant to the provisions established in this Act, at the time of establishing or modifying support payments, shall immediately issue an order fixing or modifying support payments and requiring the obligor’s employer or any person who is a disburser with regard to the obligor, as defined in Section 2 of this Act, to withhold or deduct at the source, from the obligor’s income, regardless of whether the payment of support is in arrears or not, the amounts which are indicated in the order to meet the payment of the support and of any debt for support payments due or unpaid. These amounts shall be determined when the withholding order is issued. This order shall not be issued apart from the one containing the adjudication, revision, or modification of the obligee’s right to the support, or that adjudicates any other dispute between the parties, unless the parties reach an alternate written agreement, through which another alternative is provided, or when the Court or the Administrator determines that there is just cause not to serve the order for immediate withholding or deduction at the source of the income of the obligor. In these exceptional cases, the income withholding order shall not be notified to the employer or disburser at the time the support payments are fixed or modified, but the obligor shall be notified that the same shall be executable when the latter is in arrears in the payment of child support for the equivalent of one (1) month. When said noncompliance occurs, the Clerk of the Court or the Administrator shall proceed in accordance with the procedures established in subsection 1(b) of this Section.

All support payment orders issued or modified shall advise the obligor of his/her obligation to constantly inform the Court or the Administrator of any change of employer or disburser and of his/her access to any medical insurance coverage at a reasonable cost, as well as to the information on the medical insurance available.

The conclusion that there is just cause not to order the immediate withholding of income shall be based on written determinations or explanations of the Court or the Administrator, as the case may be, regarding the reason for which the issuing of said withholding order would be against the best interests of the minor and, in those cases

which require a modification of the child support payment, on the evidence of the punctuality of the payments.

The income withholding order form shall be in both Spanish and English, similar to the form required by the Federal Government in all jurisdictions, to be used in interstate and local child support cases. This form shall be prepared by the Administrator and shall be reviewed by the Court Administration Office within the thirty (30) following days, to be used by the Courts and the Administrator.

(b) In those cases in which the order for immediate withholding is not served pursuant to the preceding paragraph of this Section, and an obligor is in arrears for the equivalent of one month in the payment of support, the Clerk of the Court or the Administrator, as the case may be, shall automatically serve the order to the obligor’s employer or disburser for the withholding at source of the income. The Court or the Administrator, as the case may be, shall also issue the corresponding order to withhold the income of the obligor at source, if the obligor voluntarily requests such withholding, provided he/she is in arrears for less than thirty (30) days in the payment of support or if the obligee requests it and it is determined, pursuant to the procedures and standards established in subsections (2) and (3) of this Section that said request should be granted.

When Puerto Rico is the initiating state pursuant to the Uniform Interstate Family Support Act, the Court or the Administrator, as the case may be, shall send a withholding notice to the respondent state where the obligor is employed within twenty (20) calendar days following the determination that withholding is required, and if it is in order to acknowledge receipt of any information needed to perform the withholding.

(2) When for any reason, the Court or the Administrator, as the case may be, has not issued an order for immediate withholding of income at the time the child support payment is fixed or modified, and the obligor is in arrears for a period equivalent to one month, the Clerk of the Court or the

Administrator, per se, without having to resort to additional judicial or administrative intervention, or by petition of the interested party shall, within fifteen (15) calendar days following arrears equivalent to one month of support payments or of having located the obligor issue and remit by mail to the obligor, with copy to the obligee, a notice of indebtedness for arrears, informing and advising him/her of the following:

(a) The obligation to settle said debt, the terms of the support order and the immediate withholding order, the total amount in arrears and the amount of the income to be withheld for support payments and for the amount in arrears, as well as to defray the cost of withholding to be made by the employer or disburser as provided in subsection (9) (c) of this Section.

(b) The right to object to withholding, notwithstanding that the only admissible defenses are those of errors of fact; that there is no debt, or that the amount corresponding to the debt or the support payment are mistaken, or that the person is not the obligor.

(c) The conditions and terms of the procedure to object to the withholding, pursuant to the provisions of Subsection (3) of this Section.

(d) If there is a debt for child support payments, the Administrator or the Clerk of the Court shall automatically fix a reasonable amount to be credited thereto. The Administrator or the Clerk of the Court shall fix up to a maximum of thirty percent (30%) of the fixed amount of the support as payment plan to settle the debt.

(3)

(a) Procedure to object to the withholding order.

The petition objecting to the withholding shall have to be filed in the Court or with the Administrator, as the case may be, within a term of ten

(10) days from the notice of the order of immediate income withholding, after notice to the obligee.

(b) The Court or the Administrator, as the case may be, shall consider the petition objecting to the withholding order and shall serve the adjudicating resolution to the parties within fifteen (15) days from the timely filing of the petition.

(c) The Court or the Administrator, as the case may be, shall notify the resolution and corresponding orders to the employer or disburser, the obligor and the obligee, within the term of fifteen (15) days provided in subsection (3b) of this Section. If the objection to the immediate income withholding proceeds, the return of the corresponding amounts paid in excess shall be ordered.

(4) If the obligor has made payments during the time in which the immediate income withholding order is being processed, the amounts shall be credited and adjusted, but this shall not have the effect of preventing the execution of the income withholding order.

(5) When the employer or the disburser has to be notified of the order to withhold income at the source, as provided in this Section, the Clerk of the Court or the Administrator, as the case may be, shall promptly mail to the employer or disburser of the indebted obligor, with notice to the obligee, a notice of the order to withhold income. In addition, he/she shall indicate to same the obligation to withhold or deduct at the source of the income of the obligor, the amount indicated in the order to satisfy the payment of support and any debt for due and unpaid support, and also informing and admonishing him/her in accordance to the provisions of subsection (9) of this Section. The notice of the income withholding order may be served by electronic means. When the employer or disburser is a government agency whose funds under the

custody of the Secretary of the Treasury, the Clerk of the Court or the Administrator, as the case may be, shall mail the withholding order to both agencies simultaneously. The withholding order shall contain the terms and conditions of the withholding that must be made, as well as his/her responsibilities under this Act, as provided in subsection (9) of this Section. The notice of the withholding order and certification of the total amount corresponding to the debt shall be served to the employer or disburser, to the obligor, and to the obligee.

(a) The order shall be effective from the time of notice and shall continue in effect as long as the duty to provide support exists, or until said order is rendered ineffective or dismissed, modified or revoked by the Court or the Administrator, as the case may be. Payment of the debt due to arrears in the payment of support shall not, by itself, be grounds for rendering ineffective or revoking the order to withhold income at the source.

(b) In cases where the obligor changes employer or there is a new disburser, the Clerk of the Court or the Administrator, as the case may be, shall proceed pursuant to what is established in the first paragraph of this Section, immediately after being notified of the change.

(c) The order shall be valid and enforceable notwithstanding the provisions of Section 5 of Act No. 17 of April 17, 1931, as amended.

(d) The employer or disburser shall carry out the withholding and shall promptly remit to the Administrator the sums withheld for support within the terms indicated in subsection ten (10) of this Section, which shall be remitted to the obligee within a term of two (2) workdays, from the date they are received.

(6) In no case shall the amount to be withheld from the salary or wages of the indebted obligor for the payment of the current support payment of each month for the payment in arrears, if any, and to defray the cost of the withholding by the employer or disburser, as provided in subsection (9)(c) of this Section, shall exceed the limits set by Section 303(b) of the Consumer Credit Protection Act, notwithstanding the provisions set forth in Section 249, part of the Code of Civil Procedure.

(7) Should there be more than one order for the withholding of income at its source for the same obligor, the employer or disburser shall deposit the total amount claimed with the Administration up to the limits imposed by Section 303(b) of the Consumer Credit Protection Act, as they apply to the obligor and according to the instructions of the Court or the Administration. The Court or the Administration, shall apportion the amount withheld among the obligees within the abovementioned limits, giving preference to child support and to current allowances over those in arrears, up to the limits imposed by Section 303(b) of the Consumer Credit Protection Act, notwithstanding the provisions of Section 249 of the Code of Civil Procedure.

(8) Neither the employer nor the disburser shall be held liable for inadvertently withholding amounts in excess of the limits provided by Section 303(b) of the Consumer Credit Protection Act, when they have believed in good faith that they were within the limits established under said Section by the Court or the Administration in the order. The employer or disburser, however, is bound to inform the Court or the Administration, as the case may be, of any amount in excess ordered by the Court or the Administration.

(9) The notice to the employer or disburser shall include the following items:

(a) The obligor’s name and social security number, as well as any other number or data for the identification thereof, the amount to be withheld from the wages or monthly salary of the obligor for the payment of the current monthly child support payment;

(b) the amount to be withheld for the payments in arrears, if any, and the date in which said withholding shall cease;

(c) the maximum amount that the employer or disburser can withhold from the obligor’s income to defray the cost of each withholding that he/she makes when, and as determined by the Administrator through regulation;

(d) notice of his/her obligations and responsibilities as the employer or disburser under this Section, as well as the terms and procedures, as provided in subsections (6) through (8) and (10) through (14) of this Section, respectively;

(e) notice of his/her obligation as the employer or disburser to continue making the deductions or withholding until advised otherwise, and

(f) notice that he/she must notify the Court or the Administration, as the case may be, within thirty (30) days following the date of termination of the employee’s job or the termination of the obligor’s obligation to pay; the occurrence of this fact, together with his/her last known address, as well as the name and address of the new employer or disburser, if known.

(g) when the obligor terminates his employment, and is creditor of any amounts for liquidation, the employer or disburser shall arrange with the Administrator an Account Statement Certificate including the certification of any unpaid amount in arrears for more than one (1) month of default in the payment of the support or the established payment plan. If there are payments in arrears, the amounts to be remitted for the payment of the arrears to the obligee shall be discounted from the liquidation amounts to be remitted to the obligor, and shall be remitted to the Administrator.

(10) Every current or future employer or disburser, shall honor the withholding orders issued by a Court of competent jurisdiction or the Administrator, as the case may be, after due notice to such effect. The employer or disburser is under the obligation to begin the withholding no later than seven (7) workdays from the first date that the amount should have been paid or accredited to the employee after receiving the notice of the Court or the Administrator, as well as to remit the amounts withheld subsequently for each payment period within the (7) workdays from the date in which the payment is made to the employee to the Administration’s State Collections Unit, pursuant to the provisions in Section 21 of this Act.

When the employer or disburser is a government agency whose funds are in the custody of the Secretary of the Department of the Treasury, the agency in which the indebted obligor renders his/her services shall be obliged to process the corresponding Payroll Change Notice before the Department of the Treasury, within five (5) workdays following the date of receipt of the order. The Department of the Treasury shall likewise be bound to remit the amount thus withheld to the Court or the Administration on the indebted obligor’s payday.

When the employer receives an income withholding order issued by a state, the employer shall apply the Income Withholding Act in effect in the State of the main place of employment of the obligor after the determination of:

- (a) The employer’s fees for the processing of an income withholding order;
- (b) the maximum amount allowed to be withheld from the obligor’s income;
- (c) the term in which the employer shall implement the income withholding order and remit the child support payment;
- (d) priorities for the withholding and allocating of the withheld income for multiple obligees; and
- (e) any terms and conditions for the withholding that were not specified in the order. An employer that complies with an income withholding order that seems to be valid at face shall not incur in civil liability before any person or agency for his/her behavior in compliance with the order.

(11) The employer or disburser may issue a single certified check or money order for all the amounts withheld from all the obligors under this act and, in that case, the check shall be accompanied by a list of the names and social security numbers of each obligor, the case number and court part and the individual amounts withheld from each one, and the date of the withholding. The requirement to mail the withheld amounts by means of a certified check or bank money order shall not apply to the Commonwealth of Puerto Rico, its agencies, instrumentalities, public corporations or municipalities, or to those employers or disbursers who pay through electronic banking transfers.

(12) The withholding directed under this act has priority over any other withholding or claim against the income of the same obligor. Notwithstanding the provisions in the Puerto Rico

Civil Code, the withholding of income under this act shall be carried out without being subject to other prior or subsequent writs of attachment or liens or to any other claim of another creditor, except for other support cases as provided in subsection (7) of this Section, and shall have preference over the payment of other debts, including those for salaries and taxes. The payment remitted as required by the withholding order shall be the disburser’s or the employer’s defense against any claim by the debtor or his creditors for the sums already paid.

(13) Should an employer or disburser fail to withhold or remit the income withheld pursuant to a valid withholding order, or should he fail to comply with any of the duties imposed by this Act, at the request of the creditor, the Court or the Administrator of their own accord, as the case may be, after due notice to the employer or disburser, and notice for the holding of a hearing, shall pronounce judgment for the total amount the disburser or employer failed to withhold and remit, plus the fines, expenses and interest that may be imposed, and shall order the collection of same on the property of the employer or disburser. Such execution of the judgment on the property shall not proceed in the cases in which the employer or disburser is a municipality, department or agency of the Commonwealth of Puerto Rico.

(14) No employer shall reduce the salary, dismiss, suspend, change the category, refuse to hire, impose or attempt to impose onerous working conditions, or threaten or in any other manner discriminate against an employee for having authorized the withholding of his salary, commissions or any other income for the payment of support, or for having been required to withhold the support by an order of the Court or the Administrator, as the case may be, to make the withholding.

Any employer or disburser who is guilty of the conduct described in this subsection shall incur civil liability to pay an amount equal to twice the amount of the damages his actions may have caused the employee. The employee shall be entitled to be reinstated in his job in case of dismissal, suspension or change of category or to have the employer desist from his conduct, plus the payment of costs and counsel fees. The person requesting employment shall be entitled to rehiring in the employment at hand or one of an equal category, and to costs and attorney fees.

The Secretary of the Department of Labor and Human Resources may represent the employees before the Courts to determine if the dismissal is a violation of this Act and to assert their rights.

(15) A creditor who receives support payments through the withholding of income under the provisions of this Act shall notify the Clerk of the Court if he receives payments directly from the obligor and/or any change in the address where he receives said payments within seven (7) days of the date of the change.

(16) When for any reason the obligation to pay the support ceases, the Court shall issue an order to such effects and shall notify the employer or disburser and the parties with the indication to cease the withholding of the obligor’s income. The Department of the Treasury shall also be notified in the cases provided in subsection ten (10) of this Section.

In cases in which amounts in excess of the support payments have been withheld and sent to the Court, the Court shall immediately proceed to refund the amounts it has in its power, and if necessary, shall issue an order to the obligee or to the Secretary to deposit with the Clerk of the Court any money received in excess of the amount due. When in order, the Court shall remit the amounts deposited in excess to the obligor.

Section 25. — Measures to Assure Effective Payment of Support - Attachment of Assets. (8 L.P.R.A. § 524)

(1) Child support payments, including any related penalties, fees or costs in arrears for more than thirty (30) days constitute an encumbrance for the amount of the payment over all the income of assets, real and movable property of the obligor. Such encumbrance arises as a matter of law, notwithstanding any other legislation to the contrary. The assurance of effectiveness by the corresponding attachments shall not require prior judicial notice or hearing.

Any Court, Administrator or Administrative Judge with competence over matters regarding support shall grant, by means of an order, at the request of the of the obligee or their own discretion, under the Rules of Civil Procedure, in the case of a Court and this Act, the attachment of funds in the possession of a third party, the claiming and surrendering of movable property, the attachment of income from any of the obligor’s sources, the attachment of real or movable property, and any other appropriate measure to ensure the payment of support in arrears. The encumbrance shall be established and simultaneously notified to the obligor granting the obligor a term of not less than twenty (20) days to object same and instructing him/her of his/her right to an informal hearing, provided that the obligor is not entitled to prior notice. If the obligor does not object to the attachment order within the foregoing term or his/her objection is dismissed, the attachment order shall be final, binding and executable.

When the attachment is processed after a determination of debt for support in arrears, the attachment shall be processed by an ex parte motion and without the posting of bond by the obligee or the Administrator, as the case may be, as provided in the Rules of Civil Procedure and in this Act. The ex parte motion shall go into effect when served.

Full faith and credit shall be granted to attachment orders and notices issued by Courts of other states and prior notice or hearings shall not be required for their execution by the Court or the Administrator, provided said state complies with the procedural rules pertaining to the inscription and serving of attachments in Puerto Rico. Notices of attachment orders used in interstate actions in which the Administration is the initiating or recourse state shall be made in the form provided by the Secretary of the Department of Health and Human Resources of the United States.

(2) Payment of the total amount specified in the notice of arrears sent to the indebted obligor by the Clerk of the Court by the State Register of Child Support Cases of the Administration, shall have the effect of paralyzing the serving of the attachment order.

(3) A mere computation error in the determination of the amount in arrears in an order of attachment and the payment of the amount indicated, if less than the real amount, shall not have the effect of settling the existing debt. If the computation error was certified by the Administration and the amount attached were greater than the amount owed, no responsibility whatsoever shall be imposed on the obligee creditor, the Administrator of the Courts or any official of the General Court of Justice or the Administration, or any official of said entities. The Administration shall immediately proceed to return the amounts in its possession and, if necessary, shall issue an order to the obligee to deposit in the Administration any amount received in excess of the amount owed. The Administration, when so required, shall proceed to remit the deposited excess amount to the obligor.

(4) The order to attach income can be served by the creditor or his/her legal representative, or any ordinary person.

(5) Any attachment under this Act shall be executed without being subject to other attachments or liens or to the dispositions set forth in Sections 1871 and 1825, part of the Puerto Rico Civil Code, with the exception of the previous mortgage debts; and shall have preference over the payment of other debts, including those for salaries and tax payments. The payment remitted as required by the income-attachment order shall constitute a defense on the part of the disbursing or employer against any claim of the obligor or the obligor's creditors for the sum that has been paid.

(6) All persons or entities that comply with any attachment order notice issued pursuant to this Section shall have absolute immunity against civil or criminal liability with regard to compliance with the terms of said notice or order.”

Section 26. — Measures to Assure Effective Payment of Support - Withholding State Tax Refunds. (8 L.P.R.A. § 525)

(1) The Administrator shall remit to the indebted obligor a notice regarding its intention to refer his/her name to the Secretary of the Treasury for same to withhold his/her state tax refund for the payment of the support debt.

In the notice, the indebted obligor shall be advised of:

- (a) The terms of the support and the total amount in arrears, as certified by the Administrator,
- (b) the right to object to the withholding of any of the refunds;
- (c) the term of twenty (20) days from the date the notice of the request was served to object to said request;
- (d) that he shall only be able to submit evidence of mistakes of fact regarding the existence of the debt, the amount in arrears, as well as the fact that he is not the indebted obligor; and
- (e) that if no objection is made against the withholding of the refunds within twenty (20) days from the date the notice of the request was served; his name shall be referred to the Secretary of the Treasury for his refunds to be withheld for the payment of the child support debt.

A notice of this referral containing the information indicated in paragraphs (a) through (e) of this subsection shall also be remitted to the obligee.

If the obligor opportunely presents his objection to the withholding, the Administrator shall consider the objection within ten (10) days of having received same.

The Administrator shall consider any objection to the intention of withholding the tax refunds and shall review the objections. Both parties shall be notified of the resolution, which shall be issued within fifteen (15) days from the filing, within term, of the objection. If the withholding is upheld, the Administrator shall immediately inform the Secretary of the Treasury of the case for the latter to withhold the tax refund amounts in his possession belonging to the obligor. The Secretary of the Treasury shall withhold the amounts and remit them to the Administration, pursuant to this Section.

(2) If the Secretary of the Treasury still has the refund in his possession, he shall remit the total amount of the tax refund to the Administrator if it is equal or less than the amount in the

order; or only the amount in the order, if the tax refund were larger. Likewise, the Secretary of the Treasury shall notify the residential address and the social security number or numbers of the obligor, as well as whether or not he has a tax debt.

Should he not have any tax refunds belonging to the obligor in his possession at the time he receives the order of the Administrator, the Secretary of the Treasury, shall inform this fact to the Administrator.

In these cases, the order to withhold the tax refunds shall remain in effect for three (3) years or until enough tax refunds are credited to the obligor to comply with the support order or until the Administrator requests that the order be rendered ineffective, whichever comes first. In these cases, the Administrator shall be bound to update the information remitted to the Secretary of the Treasury at least annually.

The withholding of tax refunds under this Act shall have preference over any other claim for that money including tax debts, notwithstanding provisions to the contrary in other laws. Consequently, in cases in which there is an outstanding order to withhold tax refunds, the application of the tax refund to the payment of other tax debts the obligor might have shall not be permitted until the amount in arrears for support has been satisfied.

(3) The Administrator, before turning over the amount remitted by the Secretary of the Treasury to the obligee-creditor, shall verify the total amount in arrears at that time in case there has been a payment by the indebted obligor, and if the support debt has been reduced or paid in full, shall remit the difference to the obligor after paying the amount due to the obligee, if no tax debt of the obligor exists, after the payment of the support in arrears to the obligee and sending notice to the Secretary of the Treasury.

(4) If the amount of tax refunds remitted by the Secretary of the Treasury to the Administrator exceeds the amount of the debt in arrears and the withholding of the excess is not in order, the Administrator shall send the excess amounts to the obligor promptly. If a tax debt of the obligor exists, the Administrator shall remit such excess to the Secretary of the Treasury.

(5) The Administrator may provide by regulations, with the approval of the Secretary, the amount the obligees who do not qualify for economic assistance shall be charged as a fee for the services rendered in withholding the tax refunds.

(6) In cases in which the obligee does not qualify for economic assistance under the category of Temporary Assistance, but has previously been a beneficiary of said Program, the Administrator shall inform the parent who has custody of the minor obligees the total amount of the refund that it shall withhold to collect any economic assistance advanced to them and not repaid.

The Administrator, with the approval of the Secretary, shall establish by means of regulation the procedures for the withholding of state tax refunds.

Section 27. — Measures to Assure Effective Payment of Support - Federal Tax Refund Withholdings. (8 L.P.R.A. § 526)

The Administrator shall remit to the indebted obligor a notice concerning the intention of referring his/her name to the Federal Internal Revenue Service in order for the latter agency to withhold any federal tax refund to, be used for complying with the child support payments

when the payments in arrears of the obligor exceed the limits established by federal legislation. Said notice may be delegated to the federal government.

The Administrator shall establish, through regulations, with the approval of the Secretary, the procedure to require that the federal government withhold tax refunds for the payment of delinquent child support payments, pursuant to applicable federal legislation. The Administrator, with the approval of the Secretary, shall likewise provide through regulations, the amount to be charged as a fee for the service provided for withholding the federal tax refund.

Section 28. — Measures to Assure Effective Payment of Support - Bond or Security of Payment. (8 L.P.R.A. § 527)

The creditor-obligee may, in those cases whereby the obligor has incurred delinquency in the payment of child support on one or more occasions, as provided by Rule 69 of the Rules of Civil Procedure, App. III of Title 32, request that the court or the Administrator or the Court or Administrator, *motu proprio*, order the obligor, through a previous notice granting the latter ten (10) days to object to, the same, to deposit a sufficient sum of money, or post a payment bond or provide some other security as determined by the court or the Administrator, to ensure compliance with the child support obligation.

In those cases in which the posting of a bond or a sum of money or any other security is requested because there are indications that the obligor plans to, leave the jurisdiction of the Commonwealth, the court or the Administrator shall promptly order the obligor to comply with the deposit as ordered.

The obligor shall be notified of any petition requesting the execution of the security payment or the bond posted, as determined by the court or the Administrator, and shall be appraised of his/her right to challenge the execution of the security or the collection of the bond posted.

The filing by the indebted obligor of a sworn petition for suspension with the Clerk of the Court or the Administrator within the ten (10) days following the date of notice of the petition for execution shall paralyze the execution of any security or bond. Only the following errors in fact shall be admitted as a defense: Those concerning the existence or amount of the debt, the amount to be executed or the identity of the indebted obligor. Said petition shall be considered by the court or the Administrator and the adjudged resolution shall be served within the ten (10) days from its date of filing. If in order, the execution of the bond or the collection of the monies given as security shall be ordered.

Section 29.— Measures to Assure Effective Payment of Support - Information About the Obligor’s Credit. (8 L.P.R.A. § 528)

(1) For the purposes of this section, "consumer credit collection agencies" shall mean any public or private natural or juridical person that through the collection of fees or any other form of payment, or through cooperative nonprofit work agreements is engaged regularly, in whole or in part, in the practice of compiling or evaluating information on the credit or other information about consumers in order to prepare or provide evaluations on consumers or third parties.

(2) Any consumer credit information agency which meets the criteria of subsection (1) of this section may request that the Administrator certify the information on indebted delinquent payments of persons who are under the obligation to pay child support. The Administrator may, *motu proprio*, inform the credit agency, after due notice to the obligor, of his/her intention of giving information on indebted delinquent child support payments.

(3) When the requesting party complies with the aforementioned requirements, and should the obligor in question owe more than one month of delinquent child support payments, the Administrator shall notify the obligor of the request or the intention of informing on the delinquent debt. He/She shall be appraised of his/her right to challenge the report, to introduce any evidence he/she may deem necessary to refute said report or to pay the debt. He/She shall also be advised that he/she has ten (10) days from the date he/she was notified of the intention of informing, in which to object or pay the existing debt. His/Her only defense shall be the inaccuracy of the amounts involved or the nonexistence of the debt or whether or not he/she is indeed the indebted obligor. If the obligor is delinquent in the payment of child support and the term of ten (10) days of having been notified that the credit agency may be informed has transpired, the Administrator must inform the credit agencies and make available the information on the delinquent debt to the agencies who so require, unless the obligor pays the debt in full or agrees to a payment plan and faithfully complies with the latter. The debtor shall be advised that if he/she fails to comply with the payment plan thus established, the debt shall be reported to the credit bureau without need for further notice.

Should the obligor object to the notice of the Administrator regarding the information on the delinquent debt, the latter shall evaluate the allegations and the evidence introduced by the obligor and determine whether it is in order to provide said information to the credit information agency. He shall furthermore notify the indebted obligor of his/her determination.

(4) The Administrator shall use the provisions of this section so that all obligors who appear in the Commonwealth Child Support Register and who meet the criteria established in subsection (3) safeguarding their right to object be included in a quarterly report to all the credit information agencies which conduct business in Puerto Rico as defined in subsection (1).

(5) Provided it is pertinent to establish, modify or enforce child support, if the information is not otherwise available, the Administration shall request a credit report on the obligor pursuant to § 604 of the Fair Credit Reporting Act (15 U.S.C. 1681 (b) (4) and (5)).

Section 30. — Additional Methods to Assure Effective Payment of Support. (8 L.P.R.A. § 528a)

(1) It shall be a condition for obtaining or keeping a license, permit, endorsement, or an occupational, professional, recreational, sports privilege, or of any other type, such as a driver's license, occupational or professional license, target shooting license, business license, weapons license, or to be hired and employed by the Government of Puerto Rico, its agencies, public instrumentalities, and municipalities or in the Federal Government, a person obliged to pay child support shall be up to date in his/her payments or that he/she executes and complies with a payment plan to such effect, and that same has not been in

noncompliance with the orders, summonses, requirements, resolutions or judgments of a Court or the Administrator by virtue of this Act. The government, municipal and federal agencies in charge of granting endorsements, permits or licenses, or empowered to contract in any manner with natural persons, shall have thirty (30) days from the date of approval of this Act to incorporate this provision into the applicable regulations under their jurisdiction and to establish as a sanction for noncompliance with same the denial or suspension of any occupational, professional, or any other type of license, permit, endorsement or privilege.

(2) In addition to the measures authorized in this Act, and in those cases in which the Administration has taken reasonable action to collect the child support, as established in the Regulation of the Administration, to compel the obligor to comply with his/her obligation to pay child support, the Administrator shall notify the obligor of its intention to request from the pertinent administrative or municipal agency the suspension of any permit, license, endorsement, or privilege, such as the motor vehicle driver's license, occupational, professional or other type of permit, license, target shooting license, business license, weapons license, or to be hired and employed by the Government of Puerto Rico, its agencies, public instrumentalities, municipalities or in the Federal Government, due to failure to comply with the obligation to pay child support. In addition, the Administrator shall request the cancellation of similar rights from the Federal Government and its instrumentalities and in if the amount of the child support debt is greater than \$5,000.00, or the amount that the Federal Government may establish in the future, the cancellation of the indebted obligor's passport by the Federal Department of State, pursuant to the procedures and in the manner set forth by the Secretary of the Department of Health and Human Resources of the United States. The obligor shall be instructed of his/her right to object the suspension, but the only admissible defenses shall be those of errors of fact: that there is no debt, or that the amount corresponding to the debt or the support payment is mistaken, or that the person is not the obligor.

The obligor shall have ten (10) days to object the intention to order the suspension. If the indebted obligor satisfies the total amount of the debt or executes and satisfies a payment plan within such term, the Administrator shall be hindered from requesting to the regulating organism the suspension of the licenses, permits or privileges previously mentioned in this Section, or initiating the cancellation of passport privileges.

If the indebted obligor does not settle the support debt, or does not execute and satisfy a payment plan, the Administrator shall make determinations of fact and conclusions of law and shall notify to the obligor and the corresponding regulating agency that it shall proceed with the suspension of the license within a term of not more than thirty (30) days, or shall refer the case to the federal government for the cancellation of the passport.

(3) The Administrator shall notify to the obligor its intention of ordering the publication of photographs and information about the obligor, including the accrued support debt, physical traits, and any other information that allows identification in newspapers of general circulation in Puerto Rico, as well as in other public broadcasting media, instructing him/her of his/her right to object; but the only admissible defenses for the Administrator to consider the objection are errors of fact: that there is no debt, or that the amount corresponding to the debt or the support payment are mistaken, or that the person is not the obligor.

The obligor shall have ten (10) days to object the intention of ordering the publication. If the indebted obligor settles the debt or executes and satisfies a payment plan, the Administrator shall be hindered from ordering the publication.

The aforementioned measures shall be available when all the mechanisms to enforce the payment of the child support contemplated in Sections 24 through 29 of this Act are exhausted.

(4) If the obligor attempts to evade the jurisdiction of the Administrator, refusing notices, refusing to comply with the requirement of evidence or documents, or does not appear at the hearings or meetings to which same is summoned, or evades the jurisdiction by moving to another state, the Administrator shall request that the Court impose contempt charges and issue an order of arrest in absence. If the obligor evades the jurisdiction moving to another state with the express or tacit intention of not complying with his/her duty to pay child support, the Administrator, after the collections procedures, shall refer the case to the Federal District Attorney and the corresponding federal agencies to initiate a criminal action against the indebted obligor.

Section 30-A. — Certification of Child Support Indebtedness.(8 L.P.R.A. § 528a-1)

In the case of the death of any person, it shall be the duty of any administrator, executor or trustee, or of any of these who acts in Puerto Rico, or of any sub-administrator, agent or person authorized to administer his/her properties or any part thereof in Puerto Rico, to solicit from the Administrator a certification of child support indebtedness.

No court shall approve the division or distribution, sale, delivery, cession or execution of a mortgage on the property of a decedent without deducting and depositing with the court or the Administration, from the product of the public auction, in the name of the deceased obligor, the total amount of the support indebted; and no notary shall authorize, issue or certify any document whatsoever concerning the division, distribution, sale, delivery, cession or mortgage on such property or any hereditary property of the decedent until a certification of indebtedness is obtained from the administrator certifying that said decedent is not indebted on account of child support and no Property Registrar shall enter in any register whatsoever under his charge, any notarial document, sentence or judicial act granted, pronounced or issued in relation to any division or distribution, sale, delivery or mortgage on such property or any hereditary property of the decedent without a certification of indebtedness from the administrator certifying that said deceased obligor is not indebted on account of child support.

Section 31.— Measures to Assure Effective Payment of Support - Other remedies. (8 L.P.R.A. § 529)

The remedies provided in this Act are in addition to existing remedies with which they are not incompatible.

The civil or criminal contempt procedures brought before the court, with the resulting imprisonment of the obligor or obligee who has failed to comply with his/her obligations or with the orders issued by the court or the Administrator, who is found guilty of contempt, are incorporated into this Act as an effective measure to enforce the legal provisions.

Any motion to petition for a contempt order for noncompliance with child support payments shall be filed, transacted, resolved and notified in writing within a term of not more than twenty (20) days following its filing.

The notice required to execute these remedies may be given individually or generally appraising the obligee of the existing debt and of the intention of the Administrator to initiate all remedies provided by law.

Section 32.— Administrative Ascertainment to Enforce Compliance with Child Support in Interstate Cases. (8 L.P.R.A. § 530)

(1) The Administrator is hereby authorized to approve the rules and regulations needed to establish an expeditious administrative procedure to enforce the child support obligations in interstate cases, when Puerto Rico is the initiating or appealed state and the use of the provisions of this section is more expeditious than the procedure established by the "Uniform Family Support Act."

(2) In responding to a petition under this Section, the Administrator must take the proper steps to enforce the child support obligations within ninety (90) days after receipt of the petition and shall appraise the initiating state accordingly. The Administration, when Puerto Rico is the initiating state, shall file a similar petition for expedited actions to ascertain the enforcement of interstate child support obligations.

(3) When the Administration receives an interstate petition pursuant to this section, it must take the corresponding steps to identify, attach assets or withhold income of the obligor, according to the provisions of Section 7(2) of this Act.

(4) The interstate petition filed pursuant to this section may be transmitted through electronic or other means and must contain sufficient information to establish a comparison with the databases maintained by the Administration and other Title IV-D agencies. This shall constitute a certification of the petitioning state concerning the indebted amount of child support and of the fact that the latter has complied with the due legal proceedings.

(5) The petitions executed as provided in this section shall not be deemed to enable the transfer of a case to the accumulation of Title IV-D cases of another state. However, the Administration must maintain a record of the number of petitions received, the number of cases which generated collections and the amount of monies collected.

Article IX. — [Omitted. This Article amended section 2 of Act No. 71 of June 20, 1956, as amended]

Article X. — [Omitted. This Article amended section 9 of Act No. 71 of June 20, 1956, as amended]

Article XI. — [Omitted. This Article amended section 32 of Act No. 71 of June 20, 1956, as amended]

Article XII. — [Omitted. This Article amended section 33 of Act No. 71 of June 20, 1956, as amended]

Article XIII. — [Omitted. This Article amended section 34 of Act No. 71 of June 20, 1956, as amended]

Article XIV. — [Omitted. This Article amended Section 35 of Act No. 71 of June 20, 1956, as amended]

Article XV. — [Omitted. This Article amended section 36 of Act No. 71 of June 20, 1956, as amended]

Article XVI. — [Omitted. This Article amended Section 37 of Act No. 71 of June 20, 1956, as amended]

Article XVII. — Other Provisions.

Section 32 [bis].— [Separability]

If any provisions of this act or its applications to any person or circumstance were declared unconstitutional and invalid , said fact shall not affect the rest of the act nor the application of said provisions to persons or circumstances other than those in relation to which it has been invalid.

Section 33.— [Appropriations] (8 L.P.R.A. § 501 note)

The funds needed to carry out the purposes of this Act shall be included annually in the Budget of Expenditures of the Department of Social Services, Child Support Program , and in the Budget of the Judicial Branch.

No provision of this Act shall be construed as modifying, altering or invalidating any agreement , pact, claim or contract or any other action under the law that the officers in charge shall have executed or carried out, and that are still in effect when this act becomes effective.

Section 34. — Penalties; Administrative Fines. (8 L.P.R.A. § 530)

(A) Any person who intentionally discloses, publishes, abuses or instigates the use of any information obtained pursuant to the provisions of this Act shall incur a misdemeanor. Any employee or officer who due to negligence, action or omission discloses, offers or publishes any confidential information shall be subject to the corresponding disciplinary action.

(B) Any violation of this Act, or to the regulations adopted hereunder and for which no express penalty has been provided, shall constitute a misdemeanor. The court shall also retain the authority to impose civil or criminal contempt charges for noncompliance with the orders of the court, the Administrator or the Administrative Judge.

(C) The Administrator or Administrative Judge may impose fines up to a maximum of five thousand (5,000) dollars, compensations, interest, surcharges, expenses, costs, fees, or penalties for violations to the provisions in this Act, the laws administered by the Administration or the regulations or orders issued by the Administrator or the Administrative Judge, and through a petition to the court, to bring civil or criminal contempt charges.

Section 35. — Sections 19,20, 21,22, 23, 24, 25, 26,27, 28, 29 and 30 of Act No. 171 of June 30, 1968,as amended, are hereby repealed, as is Rule 60.1 of the Rules of Civil Procedure of 1979, as amended.

Section 36. — Sections 31, 32, 33, 34, 35, 36, 37, 38, 39, 40 and 41 of Act No. 171 of June 30, 1968, as amended, are hereby renumbered as Sections 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29, respectively, of Act No. 171 of 1968, as amended.

Section 37. — This Act shall take effect immediately after its approval.

Note. This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.