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Childhood and Adolescence Code  
N° 7739

CODE OF CHILDHOOD AND ADOLESCENCE  
THE LEGISLATIVE ASSEMBLY OF THE  
REPUBLIC

OF COSTA RICA, DECREES:

Title I

**Directive provisions**

SINGLE CHAPTER

Article 1°- **Objective.**

This Code will constitute the minimum legal framework for the comprehensive protection of the rights of minors. It establishes the fundamental principles of both social or community participation and administrative and judicial processes involving the rights and obligations of this population.

The norms of any rank that provide them with greater protection or benefits shall prevail over the provisions of this Code.

#### **Article sheet**

Article 2°- **Definition.**

For the purposes of this Code, a child shall be considered a person from conception to twelve years of age, and an adolescent shall be considered a person over twelve years of age and under eighteen years of age. In case of doubt, the condition of adolescent shall prevail over that of adult and that of child over that of adolescent.

#### **Article sheet**

Article 3°- **Scope of application.**

The provisions of this Code shall apply to all minors, without distinction of any kind, regardless of ethnicity, culture, gender, language, religion, ideology, nationality or any other condition of their own, of their [http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

father, mother, legal representatives or persons in charge.

The rights and guarantees of this group are of public interest, unwaivable and non-transferable.

### Article sheet

#### Article 4°- **State policies.**

It shall be a general obligation of the State to adopt administrative, legislative, budgetary and other measures to guarantee the full effectiveness of the fundamental rights of minors.

In the formulation and implementation of policies, access to public services and their provision, the best interests of these people shall always be kept in mind. Any action or omission contrary to this principle constitutes a discriminatory act that violates the fundamental rights of this population.

In accordance with the special protection regime that the Political Constitution, the Convention on the Rights of the Child, this Code and related laws guarantee to minors, the State may not allege budgetary limitations to disregard the obligations established herein.

### Article sheet

#### Article 5°- **Best interest.**

Any public or private action concerning a person under eighteen years of age must consider his or her best interests, which guarantees respect for his or her rights in a healthy physical and mental environment, in order to ensure his or her full personal development.

The best interest determination shall consider:

- a) Its condition as a subject of rights and responsibilities.
- b) Their age, degree of maturity, capacity for discernment and other personal conditions.
- c) The socioeconomic conditions in which it operates.
- d) The correspondence between individual and social interest.

### Article sheet

#### Article 6°- **Socio-cultural environment.**

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The judicial or other administrative authorities that take any decision concerning a minor, when assessing the situation in which he/she finds himself/herself, shall take into account, in addition to the provisions of the preceding articles, the customs and mores of the socio-cultural environment in which he/she habitually develops, provided that they do not contravene morality, the law and human rights.

#### Article sheet

##### Article 7°- **Integral development.**

The obligation to ensure the integral development of the minor is primarily incumbent upon the parents or guardians. The institutions integrating the National System of Integral Protection of Children and Adolescents, regulated in Title IV of this Code, shall guarantee respect for the best interests of these persons in all public or private decisions. The Office of the Ombudsman of the Inhabitants of the Republic will watch over the effective fulfillment of these obligations.

#### Article sheet

##### Article 8°- **Regulatory hierarchy.**

The norms of this Code shall be applied and interpreted in accordance with the Political Constitution, the Convention on the Rights of the Child and other normative sources of the law of children and adolescents, according to the following hierarchy:

- a) The Political Constitution.
- b) The Convention on the Rights of the Child.
- c) Other international treaties and conventions on the subject.
- d) The guiding principles of this Code.
- e) The Family Code and related laws.
- f) The uses and customs of the sociocultural environment.
- g) The general principles of law.

#### Article sheet

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**Article 9°- Preferential application.**

In case of doubt, in fact or in law, in the application of this Code, the rule that is more favorable to the minor according to the criteria that characterize his or her best interests shall be chosen.

**Article sheet**

Title II

**Rights and Obligations**

Chapter I

**Fundamental Rights and Freedoms**

**Article 10°- Enjoyment of rights.**

The minor shall be a subject of rights; he/she enjoys all the rights inherent to the human person and the specific rights related to his/her development, except for political rights in accordance with the Political Constitution of the Republic.

However, it must comply with the correlative obligations enshrined in the legal system.

**Article sheet**

**Article 11°- Duties.**

In the exercise of freedoms and rights, minors shall be obliged to respect the restrictions established by law, morality and public order. In particular, they must comply with the following duties:

- a) To honor the homeland and its symbols.
- b) Respect the rights and guarantees of others.
- c) Honor, respect and obey their parents, representatives or guardians, provided that their orders do not violate their rights and guarantees or contravene the legal system.
- d) Actively exercise their rights and defend them.
- e) Fulfill their educational obligations.
- f) Respect diversity of conscience, thought, religion and culture.

g) Preserve the environment.

### Article sheet

#### Article 12- **Right to life.**

Minors have the right to life from the very moment of conception. The State must guarantee and protect this right, with economic and social policies that ensure dignified conditions for gestation, birth and integral development.

### Article sheet

#### Article 13°- **Right to state protection.**

The minor shall have the right to be protected by the State against any form of intentional or negligent abandonment or abuse of a cruel, inhuman, degrading or humiliating nature that affects his or her integral development.

The Patronato Nacional de la Infancia, the Instituto Mixto de Ayuda Social and the Ministry of Labor and Social Security will provide opportunities for the promotion and social human development, through the corresponding programs and will strengthen the creation of inter-institutional networks, as well as with civil society organizations that prevent abuse, mistreatment and exploitation, in its different modalities, against minors.

### Article sheet

#### Article 14- **Right to liberty.**

Minors shall have the right to liberty. This right includes the possibility of:

- a) To have their own ideas, beliefs and religious worship and to exercise it under the guidance of their parents or guardians, according to the evolution of their faculties and with the limitations and guarantees enshrined in the legal system.
- b) To express their opinion in the areas of their daily lives, especially in the family, community and school; also as users of all public services and, subject to the limitations of the law, in all judicial and administrative proceedings that may affect their rights.

## Article sheet

### Article 15°- **Right to free transit.**

All minors shall have the right to remain in the country, transit through public places and community spaces and recreate without restrictions other than those provided for in this Code and any other legal provision, such as those derived from the exercise of parental authority and the school obligations of students.

## Article sheet

### **Article 16.-Exit control.**

The entry and exit of minors from the country shall be controlled by the General Directorate of Migration and Alien Affairs of the Ministry of the Interior and Public Security. In order to prevent them from illegitimately leaving the national territory, this Directorate will keep a record of impediments to exit, based on the information that the judicial authorities send for this purpose.

When between parents with parental rights there is a conflict over the granting of permission to leave the country, of their minor sons and daughters, or in cases where there are conflicting interests, as contemplated in Articles 140 and 150 of the Family Code, only the competent judge in family matters may qualify the dissent and grant the corresponding permission when appropriate, through due process, appointing a special guardian who will represent the absent parent or the person who holds the legal representation, and always considering, in the process, the best interests of the minor.

In very qualified or urgent cases, due to the evident benefit that the trip will provide to the minor person, or due to the damage that the longer time of the normal procedure may cause him/her, the Executive Presidency of the National Child Welfare Agency will weigh the situation with discretionary criteria, both of the convenience and the evidence presented to it, and may grant the consent for the departure of the country, thus communicating it to the General Directorate of Migration and Alien Affairs. If during the process there is opposition from the person with legal representation of the minor, the interested parties will be referred to the corresponding judicial channel.

*(As amended by Article 265 of Law No. 8764 of August 19, 2009, "General Law on Migration and Foreigners").*

*(Sinalevi's Note: By means of Article 2 paragraph IV) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. In accordance with transitory III of the aforementioned law, said modification will come into effect as of October 1, 2022, so that as of that date the new text will be as follows: "Article 16- Control of departures. The entry and exit of minors from the country shall be controlled by the General Directorate of Migration and Alien Affairs of the Ministry of the Interior and Public Security. In order to prevent them from illegitimately leaving the national territory, this Directorate shall keep a registry of exit impediments, based on the information that the judicial authorities submit for this purpose.*

*When there is a conflict between the parents who exercise parental responsibility over the granting of permission for their minor children to leave the country, only the judge with jurisdiction over parental responsibility may grant permission for their children to leave the country.*

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*The family may qualify the dissent and grant the corresponding permission in an expeditious manner through the family resolution process established in the Family Procedural Code, always considering, in the process, the best interest of the minor").*

## Article sheet

Article 17.-**Right to the protection of the self-interest of minors of foreign nationality.** For the purposes of entry and stay of foreign minors, the application of current immigration legislation shall be assessed by the competent administrative authorities, to safeguard the interests of this group, in order to ensure conditions that ensure respect for their rights in a healthy physical, social and mental environment.

*(As amended by Law No. 8237 of April 9, 2002)*

## Article sheet

Article 18°- **Right to free association.**

Every minor shall have the right to freely associate with other persons for any lawful purpose, except for political purposes and those whose sole and exclusive purpose is profit. In the exercise of this right he/she may:

- a) To associate among themselves or with adults. In the latter case, minors under twelve years of age may take part in the deliberations, but only with the right to speak. Adolescents shall have the right to speak and vote and may be members of the governing bodies, but may never represent the association or assume obligations on its behalf.
- b) By themselves, adolescents over fifteen years of age may constitute, register and record associations such as those authorized in this article and perform acts strictly related to their purposes. In them, they shall have a voice and vote and may be members of the governing bodies. In order for these associations to be able to bind themselves patrimonially, they must appoint a legal representative with full civil capacity, who will assume the liability that may arise from such acts.

## Article sheet

Article 19°- **Right to protection in case of serious danger.**

Minors shall have the right to seek refuge, assistance and guidance when the threat to their rights entails serious danger to their physical or spiritual health; likewise, to obtain, in accordance with the law, adequate and timely assistance and protection from the competent institutions.

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## Article sheet

### Article 20°- **Right to information.**

Minors shall have the right to obtain information, regardless of its source and mode of expression, especially that which promotes their social, spiritual and emotional well-being, as well as their physical and mental health.

The exercise of this right shall be carried out in a responsible manner and under the guidance of parents, guardians or educators.

## Article sheet

### Article 21°- **Duty of the media.**

The social function of the mass media is to collaborate in the education of minors, disseminating information of social and cultural interest. To this end, they will try to meet the information needs of this group and promote the dissemination of their rights, duties and guarantees.

The Council for Childhood and Adolescence, regulated in Title IV of this Code, shall grant each year an award for the outstanding social media and communicator during the period for their assistance to the function mentioned in the preceding paragraph. The award shall consist of a cash sum equal to that corresponding to the Joaquín García Monge Award, accompanied by an allusive plaque.

## Article sheet

### Article 22°- **Restricted messages.**

The mass media shall refrain from disseminating messages that violate the rights of minors or are detrimental to their physical, mental or social development.

Programs, advertising and other messages broadcast on radio and television shall be adjusted to the corresponding audience. An executive decree shall regulate the schedules that shall govern programs that are not suitable for minors.

## Article sheet

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## Chapter II

### Personality Rights

#### Article 23°- **Right to identity.**

Minors shall have the right to a name, a nationality and an identity document paid for by the State and issued by the Civil Registry. The Patronato Nacional de la Infancia shall provide them with appropriate assistance and protection, when they have been illegally deprived of any attribute of their identity.

#### Article sheet

#### Article 24°- **Right to integrity.**

Minors have the right to respect for their physical, psychological and moral integrity. This right includes the protection of their image, identity, autonomy, thought, dignity and values.

#### Article sheet

#### Article 24 bis.

#### **Right to discipline without physical punishment or humiliating treatment**

Children and adolescents have the right to receive guidance, education, care and discipline from their mother, father or those responsible for their care and upbringing, as well as from the caretakers and personnel of educational, health, care, juvenile penal or any other type of centers, without, in any way, authorizing the use of corporal punishment or humiliating treatment.

The Patronato Nacional de la Infancia will coordinate, with the different instances of the National System of Integral Protection and non-governmental organizations, the promotion and execution of public policies that include formative programs and projects for the exercise of a parental authority respectful of the physical integrity and dignity of minors. Likewise, it will encourage children and adolescents to respect their fathers, mothers and foster parents.

The Patronato Nacional de la Infancia shall ensure that the different instances of the National System of Integral Protection incorporate, in their institutional plans, the programs and projects mentioned in this article, and shall inform the Consejo Nacional de la Niñez y la Adolescencia (National Council for Children and Adolescents) about their compliance.

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*(Thus added by Article 1 of Law No. 8654 of August 1, 2008, "Rights of children and adolescents to discipline without physical punishment or humiliating treatment").*

## Article sheet

### Article 25- **Right to privacy.**

Minors shall have the right not to be subjected to interference in their private life, family, domicile and correspondence, without prejudice to the rights and duties inherent to parental authority.

*(Sinalevi's Note: By means of Article 2 paragraph IV) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. In accordance with transitory III of the aforementioned law, said modification will come into effect as of October 1, 2022, so that as of that date the new text will be as follows: "Article 25- Right to privacy. Minors shall have the right not to be subject to interference in their private life, family, home and correspondence, without prejudice to the rights and duties inherent to the attributes of parental responsibility").*

## Article sheet

### Article 26°- **Right to honor.**

Minors shall have the right to protection of their honor and reputation. The Patronato Nacional de la Infancia will give the necessary advice to defend it.

## Article sheet

### Article 27°- **Right to image.**

It is forbidden to publish, reproduce, exhibit, sell or use, in any form, images or photographs of minors to illustrate information regarding actions or omissions attributed to them that are of a criminal nature or contravene or are contrary to morals or good customs; likewise, when they have participated in any way or have been witnesses or victims of such events, if their dignity is affected.

It is forbidden to publish the name or any personal data that may allow the identification of a minor perpetrator or victim of a criminal act, except with judicial authorization based on reasons of public safety.

## Article sheet

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#### Article 28- **Suspension of shares.**

When the image, photograph or identity of a minor is reproduced, published, exhibited or used in violation of the provisions of the preceding article, the competent judge may be requested, as a precautionary measure and without prejudice to what may be finally resolved, to suspend the act or any other action that may be attempted by the affected person or his representative, in order to safeguard the best interests of these persons.

#### Article sheet

### Chapter III

#### **Right to Family Life and the Right to Support**

##### Article 29°- **Integral right.**

The father, the mother or the person in charge are obliged to watch over the physical, intellectual, moral, spiritual and social development of their children under eighteen years of age.

#### Article sheet

##### Article 30°- **Right to family life.**

Minors shall have the right to know their parents, to grow and develop with them and to be cared for by them. They shall have the right to remain in their home from which they may not be expelled or prevented from returning to it, unless a judicial decision so establishes.

#### Article sheet

##### Article 31°- **Right to home education.**

Minors shall have the right to grow up and be educated in the bosom of a family; they shall always be assured family and community coexistence. When the fulfillment of this right is endangered for socioeconomic, educational and environmental reasons, the competent public institutions shall provide the opportunities required to overcome family problems, as well as training and job orientation for parents, in accordance with the following postulates:

- a) The Instituto Mixto de Ayuda Social will provide the required comprehensive assistance and opportunities for the promotion and development of the family, incorporating it in the processes

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participation and training to facilitate the insertion of parents in the labor market, through programs that contribute to the creation of micro-enterprises or others. This is provided that they are committed to respecting the rights of their children, especially by maintaining them in the formal education system as well as in health programs, and that they do not register cases of systematic mistreatment, abuse or exploitation.

b) The Patronato Nacional de la Infancia, the Instituto Mixto de Ayuda Social and the Ministry of Labor and Social Security will be responsible for guaranteeing working mothers access to comprehensive care programs for the care of their children during childhood.

c) The National Apprenticeship Institute will offer job training activities and the Ministry of Labor and Social Security will orient the parents mentioned in this article, for their early insertion in the labor market.

## Article sheet

### Article 31 bis- Right to state care while parents are working

Public, universal and solidarity-funded access to the National Child Care and Development Network (Redcudi) shall be a fundamental right of minors. The limits to the exercise of this right shall be regulated by Law 9220, National Child Care and Development Network, of March 24, 2014.

The State's failure to guarantee, facilitate or extend it will constitute a violation of the fundamental right and will entail the responsibility of the competent authority. The State must guarantee the permanence of minors in the system and provide them with the necessary support to achieve this.

In accordance with the principle of progressivity of human rights, programs, benefits or any progress made in the quality of services available to minor users may not be reduced by regulation.

*(Thus added by article 6 of the law for the reactivation and reinforcement of the national network of child care and development, No. 9941 of February 15, 2021).*

## Article sheet

### Article 32°- **Deposit of the minor.**

When neither of the parents is able to take personal care of their minor children, the National Child Welfare Agency must communicate this situation to the judge and, immediately, order the deposit of the minors, according to the procedures established in the Family Code.

The parents should be informed in a clear and precise manner about the scope of their decision, in accordance with the level of culture and social context to which they belong.

## Article sheet

### Article 33°- **Right to stay with the family.**

Minors may not be separated from their families, except in special circumstances established by law. In this case, they shall be entitled to free protection and technical assistance from the Patronato Nacional de la Infancia.

## Article sheet

### Article 34- **Separation of the minor.**

The protection measure tending to temporarily remove the minor from the family shall only be applied when the conduct that originated it is attributable to someone who lives with the minor and there is no other alternative.

When the conduct motivating the measure originates from a crime of injury or one against sexual freedom attributable to someone who lives with the minor person harmed, the local office of the National Children's Trust or other public or private institution or person who is aware of these facts, shall request the judicial authority to order the accused to leave the home, according to the Code of Criminal Procedures and the protection measures contemplated in Article 3 of the Law against Domestic Violence, No. 7586, of April 10, 1996.

If there is no other alternative but to remove the child from the home for temporary placement, the extended family or persons with whom the child maintains emotional ties should be considered first. Once these resources have been exhausted, the child will be placed in programs to be promoted by the National Child Welfare Agency.

The child shall always be informed, in a manner appropriate to his or her stage of development, of the reasons justifying the application of the precautionary measure and his or her opinion shall be heard.

## Article sheet

Article 35- **Right to contact with the family and affective circle.** Minors, whether or not they live with their family, have the right to have regular and direct contact with their family and affective circle, up to the fourth degree of consanguinity and second degree of affinity, as well as with non-relative third parties who are part of said extended and affective family circle, when the best interests of the minor so justify.

The child's refusal to maintain contact, visits and communication shall be considered and shall oblige the custodian to request the local office of the National Child Welfare Agency (PANI) to investigate and provide the necessary psychosocial care.

The judicial authority, by means of a substantiated resolution, shall modify or suspend the exercise of these rights as to the places, frequency and conditions of the interrelation, when it is determined that they imply a prejudice.

physical, moral or psychological for the minor or for the persons of his or her family and affective circle with whom he or she cohabits, taking into account the best interests of the son or daughter and his or her capacity of decision and understanding.

In the event that the father of the minor has killed his mother or has attempted to do so, the former will lose the possibility of having a family relationship regime with the minor and will not be able to exercise his guardianship, upbringing and education.

Regardless of the person or institution in whose care the children are left, the father and mother are obligated to pay the expenses required for their care, upbringing and education. In the case of survivors of femicide, they may obtain the benefits included in this article,

The decision made in accordance with the provisions of this article does not constitute *res judicata* and the Court may modify it in accordance with the best interests of the minor sons and daughters or due to a change of circumstances, with the exception of what is indicated in paragraph 4 of this article.

*(As amended by Article 12 of the Law on Comprehensive Reparation for Survivors of Femicide, No. 10263 of May 6, 2022)*

## Article sheet

### Article 36- Causes for definitive separation.

The causes that give rise to the definitive separation of a minor from his or her family are those provided for in the Family Code, as grounds for loss or suspension of parental authority. The suspension or termination of the powers and duties conferred by parental authority can only be decreed by a judge.

*(Sinalevi's Note: By means of Article 2 paragraph IV) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. Pursuant to transitory III of the aforementioned law said modification will come into effect as of October 1, 2022, so that as of that date the new text will be as follows: "Article 36- Causes for definitive separation. The causes that give rise to the definitive separation of a minor person from his/her family are those provided for in Law No. 5476, Family Code, of December 21, 1973, as causes for the loss and suspension of the attributes of parental responsibility. This suspension or termination may only be decreed by a judge").*

## Article sheet

### Article 37°- Right to food allowance.

The right to receive alimony is guaranteed under the terms provided for in the Family Code and related laws. Extraordinarily, the alimony benefit shall also include the payment of the following:

- a) Extraordinary expenses for education, directly derived from the beneficiary's study or instruction.

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- b) Extraordinary medical expenses, of notorious and urgent need.
- c) Beneficiary's burial.
- d) Collection of prenatal and lactation allowance.
- e) Expenses for therapy or specialized care in cases of sexual abuse or domestic violence.

## Article sheet

### Article 38- **Supplementary subsidy.**

If the preferential obligor is absent, temporarily unable or de facto unable to comply with the duty to provide food to a minor or a pregnant woman, the State will provide food by incorporating these families to processes of social promotion and human development, through inter-institutional programs in which, according to their particular situation, the Mixed Institute of Social Assistance, the National Children's Trust, the Costa Rican Social Security Fund, the Ministry of Labor and Social Security, the Ministry of Health or any other necessary to guarantee an integral treatment to the family with the support of the networks of the organized civil society, established for such purpose. Pregnant women shall be entitled to the subsidy only during the prenatal and breastfeeding period.

When the maintenance is claimed in court and it is found that any of these circumstances occur, the judge will manage the subsidy before the Instituto Mixto de Ayuda Social (Joint Institute of Social Assistance).

## Article sheet

### Article 39- **Agreements on food.**

The agreements on alimony agreed between the parties will have the character of an enforceable judgment, provided that they are approved before the competent judicial authority. The amount collected may be deducted directly from the salary or according to the forms established by law.

When the maintenance agreement is breached, the interested party shall go to the competent authority and request the enforcement of the agreement without the need to bring the maintenance proceeding. The request for enforcement may be verbal.

## Article sheet

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*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

#### **Article 40- Claim for maintenance.**

Minors shall have access to the competent judicial authority to claim maintenance, either personally or through an interested person. The request formulated before said authority will be sufficient to initiate the corresponding process.

Before proceeding with the lawsuit, the judge will call to the process the legal representative of the minor who has initiated the process or, failing that, the National Child Welfare Agency, to assume this representation. If there is a conflicting interest between the minor and his or her representatives, the judge will proceed to appoint a guardian.

### **Article sheet**

#### **Chapter IV**

#### **Right to Health**

#### **Article 41°- Right to medical care.**

Minors shall be provided with direct and free medical care by the State.

The public centers or services of prevention and health care shall be obliged to provide, immediately, the service that this population requires without discrimination of race, gender, social condition or nationality. The absence of their legal representatives, lack of identity documents, lack of quota or any other circumstance may not be invoked.

### **Article sheet**

#### **Article 42°- Right to social security.**

Minors shall be entitled to social security. When they are not covered by other regimes, they shall enjoy this right on behalf of the State. To this end, the Costa Rican Social Security Fund shall adopt the respective measures.

### **Article sheet**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### Article 43- **Vaccination.**

Minors must be vaccinated against the diseases determined by the health authorities. The Costa Rican Social Security Fund shall be responsible for providing and administering vaccinations.

For medical reasons, exceptions to vaccinations will be authorized only by the corresponding health personnel.

The father, mother, legal representatives or persons in charge shall be responsible for ensuring that the compulsory vaccination of minors in their care is carried out in a timely manner.

#### **Article sheet**

#### Article 44°- **Competencies of the Ministry of Health.**

The Ministry of Health shall ensure the right to the enjoyment of the highest level of health, access to services for the prevention and treatment of diseases, as well as the rehabilitation of the health of minors.

For this purpose, the Ministry of Health shall have the following competencies:

- a) Ensure comprehensive care for this group, seeking the active participation of the family and the community.
- b) To guarantee access to quality health care services, specialized in children and adolescents.
- c) Guarantee the creation and development of comprehensive care and education programs for minors, including programs on sexual and reproductive health.
- d) Promote, by the most appropriate means, permanent preventive policies against abuse and violence in the family, community, social, educational and work environments.
- e) Promote breastfeeding in public and private hospitals and widely publicize its advantages.
- f) Adopt measures that guarantee the development of minors in a healthy environment.
- g) Guarantee comprehensive treatment programs for adolescent girls regarding prenatal, perinatal, postnatal and psychological control.
- h) Promote, by the most appropriate means, permanent preventive policies against drug use and create specialized centers to care for and treat underage addicts and those suffering from emotional disorders.

## Article sheet

### Article 45°- **Medical check-ups.**

It shall be the obligation of the parents, legal representatives or persons in charge to comply with the instructions and medical controls prescribed to watch over the health of the minors under their care; furthermore, they shall be responsible for the correct use of the food they receive as a nutritional supplement to their diet.

## Article sheet

### Article 46- **Refusal of consent.**

If the father, the mother, the legal representatives or the persons in charge deny, for any reason, their consent for the hospitalization, treatment or urgent surgical intervention of their children, the health professional is authorized to take immediate actions to protect their life or physical and emotional integrity, under the terms of article 144 of the Family Code.

## Article sheet

### Article 47°- **Permanence in health centers.**

Hospitals and clinics, public or private, shall provide the necessary conditions for the permanence of the father, mother, legal representative or guardian, when the minor is hospitalized and this measure is not contrary to his or her interest.

## Article sheet

### Article 48°- **Committee for the study of the assaulted child.**

Hospitals, clinics and health centers, public or private, will be obliged to create a committee for the study of the assaulted child. Its composition and operation will be subject to regulations issued by the Executive Power. Likewise, public health centers must immediately evaluate any minor who is presumed to be a victim of abuse or mistreatment.

This committee will evaluate the results, carry out the pertinent investigations and recommend the actions to be taken to safeguard the child's integrity.

#### **Article sheet**

##### **Article 49°- Reporting mistreatment or abuse.**

The directors and personnel in charge of health centers, public or private, where minors are taken for care, shall be obliged to report to the Public Prosecutor's Office any reasonable suspicion of mistreatment or abuse committed against them. The same obligation will have the authorities and personnel of educational centers, day care centers or any other place where they stay, are attended or any service is rendered to these persons.

#### **Article sheet**

##### **Article 50°- Services for pregnant women.**

The public health centers will provide the pregnant girl or adolescent with maternal and infant information services, medical control during pregnancy for her and the unborn child, medical care during childbirth and, if necessary, food to supplement her diet and that of the child during the breastfeeding period.

Pregnant girls or adolescents shall have the right to receive dignified and respectful treatment in health services, particularly in medical or hospital care. In special situations of danger to their health or that of the unborn child, they shall be entitled to preferential care.

#### **Article sheet**

##### **Article 51°- Right to financial assistance.**

In the absence of the preferential obligation, pregnant girls or adolescents or mothers in conditions of poverty shall be entitled to comprehensive care by the State, through the programs of related institutions. During the prenatal and breastfeeding period, they shall be entitled to an economic subsidy granted by the Instituto Mixto de Ayuda Social; as stipulated for these cases, it shall correspond to the minimum salary of the budget law in force at the time the subsidy is granted. In order to enjoy this benefit, they must participate in the training programs developed for such purpose by the competent institutions.

The transfer of resources must respond to an integral action and not merely a welfare action, in order to guarantee the person's human and social development.

## Article sheet

### Article 52°- **Guarantee for breastfeeding.**

Official and private institutions, as well as employers shall guarantee to underage mothers the adequate conditions for breastfeeding. Failure to comply with this rule will be sanctioned as an infraction to the labor legislation, according to the provisions of article 611 and following of the Labor Code.

## Article sheet

### Article 53°- **Right to treatment against AIDS.**

Unless otherwise provided by medical criteria, the Costa Rican Social Security Fund shall guarantee the mother carrying the HIV virus (AIDS) the existing medical treatment, in order to avoid the infection of the unborn child. Likewise, every minor carrier of HIV or AIDS patient shall have the right to receive medical and psychological assistance from the Fund and, in general, the treatment that will allow him/her to lessen his/her suffering and alleviate, as far as possible, the complications produced by this disease.

## Article sheet

### Article 54°- **Duties of the health centers.**

Health centers, public and private, shall have the following obligations:

- a) Keep up-to-date records of the admission and discharge of minors, showing the treatment and medical care provided.
- b) Allow the newborn to have immediate contact and accommodation with the mother from birth.
- c) To identify the person born alive or the deceased before or after birth, by means of statistical controls and the impression of the mother's fingerprints and plantar prints of the newborn, without prejudice to other forms indicated by the competent authority.
- d) Obtain, immediately or no later than eight days after birth, a health card for the newborn, through the Costa Rican Social Security Fund or the corresponding health center. The card will contain a summary of the health history of each one from birth to adolescence and will serve to identify her in health and educational institutions, both public and private.

## Article sheet

### Article 55°- **Obligations of educational authorities.**

It shall be the obligation of the directors, legal representatives or persons in charge of preschool, nursery school or other public or private organization providing care for minors:

- a) To ensure that the Ministry of Health complies with the obligation set forth in Article 43 of this Code.
- b) Communicate to parents or guardians that the child requires medical, dental or psychological examinations.
- c) Implement preventive, sexual and reproductive health education programs formulated by the Ministry of Health.

Failure to comply with these obligations will be sanctioned as serious misconduct for the purposes of the respective disciplinary regime.

## Article sheet

### Chapter V

#### **Right to Education**

### Article 56°- **Right to the development of potentialities.**

Minors shall have the right to receive an education geared to the development of their potential. The preparation offered shall be directed towards the full exercise of citizenship and shall inculcate respect for human rights, cultural values and care for the natural environment, within a framework of peace and solidarity.

## Article sheet

### Article 57- **Permanence in the educational system.**

The Ministry of Public Education must guarantee the permanence of minors in the educational system and provide them with the necessary support to achieve this.

## Article sheet

### Article 58°- **National policies.**

In the design of national educational policies, the State shall:

- a) Guarantee quality education and equal opportunities for minors.
- b) To foster the highest levels of scientific and technological knowledge, artistic and cultural expression, and ethical and moral values.
- c) Encourage early access to technical training, once the second cycle of general basic education has been completed.
- d) Promote and disseminate the rights of minors.
- e) Stimulate at all levels the development of autonomous, critical and creative thinking, respecting the initiative and individual characteristics of the students.
- f) Promote the inclusion in educational programs of topics related to sex education, reproduction, teenage pregnancy, drugs, gender violence, sexually transmitted diseases, AIDS and other serious ailments.

## Article sheet

### Article 59°- **Right to free and compulsory education.**

Preschool education, basic general education and diversified education shall be free, compulsory and paid for by the State.

Access to compulsory and free education shall be a fundamental right. The lack of governmental action to facilitate and guarantee it shall constitute a violation of the law and shall entail liability on the part of the competent authority.

## Article sheet

### Article 60- **Educational principles.**

The Ministry of Public Education shall take the necessary measures to give effect to the right of minors, based on the following principles:

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

- a) Equal conditions for access and permanence in educational centers throughout the country, regardless of geographic particularities, distances and production and harvest cycles, especially in rural areas.
- b) Respect for the rights of students, especially those of organization, participation, association and opinion, the latter particularly with respect to the quality of the education they receive.
- c) Respect for due process, through agile and effective procedures to hear challenges to evaluation criteria, corrective actions, disciplinary sanctions or any other form in which the student considers his or her rights have been violated.
- d) Respect for the cultural, ethnic, artistic and historical values proper to the social context of this group, guaranteeing freedom of creation and access to the sources of cultures.

### Article sheet

#### Article 61°- **Right to technical publication.**

Persons over fifteen years of age who work shall have the right to education appropriate to their working conditions and skills. The National Apprenticeship Institute will design technical training programs, especially aimed at this population.

### Article sheet

#### Article 62°- **Right to special education.**

Persons with a higher than normal intellectual potential or with some degree of disability shall have the right to receive special attention in educational centers, in order to adapt teaching methods to their particular needs.

### Article sheet

#### Article 63- **Disclosure of rights and guarantees.**

The authorities of the educational centers shall disseminate among teachers, students and administrative personnel, the rights and guarantees of minors.

## Article sheet

### Article 64- **Participation in the educational process.**

It shall be the obligation of parents or guardians to enroll minors in the appropriate school, require regular attendance and actively participate in the educational process.

## Article sheet

### Article 65- **Duties of the Ministry of Public Education.**

The Ministry of Public Education shall be responsible for taking a census of minors in primary or secondary education, for providing the appropriate mechanisms to ensure their daily presence in educational establishments and to prevent dropouts.

## Article sheet

### Article 66- **Complaints to the Ministry of Public Education.**

Without prejudice to other obligations in the field of criminal law, the competent authorities of public or private pre-school, general, basic and diversified education establishments, in addition to what by their competence corresponds to them, in order to apply the necessary measures, shall be obliged to communicate to the Ministry of Public Education the following:

- a) Cases of physical or emotional mistreatment, sexual abuse or corrupt treatment, involving students as victims or perpetrators, or those committed to the detriment of the teaching or administrative staff.
- b) Drug addiction cases.
- c) Repetition of unjustified absences and dropping out of school, when the remedies available to avoid dropping out have been exhausted.
- d) The levels of repetition due to failure and a diagnosis of its possible causes.

The educational system shall establish its own mechanisms to respond, in a timely and effective manner, to the problems that originate the aforementioned cases.

## Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### **Article 67- Disciplinary proceedings.**

Once a complaint is filed in the case contemplated in paragraph a) of the preceding article, whether by the minor, his parents or representative, the authorities or the persons in charge of education, the Ministry of Public Education shall immediately initiate disciplinary proceedings and shall adopt the precautionary measures it deems necessary in the interest of the person affected, including the removal of the person denounced from his post while the investigation is being processed and until the respective decision is adopted.

#### **Article sheet**

#### **Article 68°- Application of corrective measures.**

All corrective measures adopted in educational centers shall be applied with respect for the dignity of minors, who shall be guaranteed the opportunity to be heard beforehand.

Corrective measures may only be imposed for behaviors that, in advance, have been clearly typified in the school's regulations, provided that due process is respected and the student's legal representatives and defense counsel are summoned.

Whoever is affected by the application of a corrective measure shall have the right to appeal to the established higher instances.

#### **Article sheet**

#### **Article 69°- Prohibition of discriminatory practices.**

It is forbidden to practice or promote, in educational centers, any type of discrimination based on gender, age, race or ethnic or national origin, socioeconomic condition or any other that violates human dignity.

#### **Article sheet**

#### **Article 70°- Prohibition of penalties for pregnancy.**

Public and private educational institutions are forbidden to impose corrective measures or disciplinary sanctions to students due to pregnancy. The Ministry of Public Education will develop a system conducive to allow the continuity and the end of the studies of pregnant girls or adolescents.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

## Article sheet

### Article 71- **Associations.**

In every basic or diversified education center, a parents' association may be formed to facilitate the solution of individual and collective problems of minors; likewise, to promote actions tending to the improvement of their integral formation and the participation in activities that involve the associates in the responsible development of the upbringing, the care of minors, the improvement of the community and the educational process. Students may also become members for the purposes indicated in this paragraph.

## Article sheet

### Article 72- **Duties of the students.**

It shall be the duty of minors who are in the educational system:

- a) Regularly attend lessons.
- b) Respect and obey their teachers and superiors.
- c) Comply with the legal and regulatory provisions of the system.
- d) Actively participate in the educational process. To this end, they will comply with the academic and disciplinary requirements set forth, in a responsible and dedicated manner, taking full advantage of the opportunities offered.
- e) To provide, the students of diversified education, a service to their community for at least eight hours per month, through programs that each educational center develops for this purpose, according to the guidelines issued by the Ministry of Public Education. This service will be a requirement to qualify for the title of bachelor in secondary education.

## Article sheet

### Chapter VI

#### **Right to Culture, Recreation and Sports**

### Article 73- **Cultural and recreational rights.**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

Minors shall have the right to play and participate in recreational, sports and cultural activities that allow them to occupy their free time profitably and contribute to their integral human development, with the only restrictions established by law. Parents, guardians or representatives shall have the priority to give them the opportunities to exercise these rights.

The National Council of Public Entertainment and other competent authorities shall ensure that cultural, sports, recreational or other activities, whether public or private, offered to this population are in accordance with their maturity and promote their full development.

## Article sheet

### Article 74- **Ministerial work.**

The Ministry of Public Education and the Ministry of Culture, Youth and Sports shall encourage the creation, production and dissemination of books, publications, artistic works and audiovisual, radio and multimedia productions aimed at minors. These materials shall promote their rights and duties and shall be of optimum quality.

## Article sheet

### Article 75°- **Recreational and cultural infrastructure.**

The Ministry of Culture, Youth and Sports and the municipal corporations shall establish the necessary policies and execute the pertinent actions to facilitate, to minors, the adequate spaces at the community and national level, which will allow them to exercise their recreational and cultural rights.

Sports fields, gymnasiums and adequate official infrastructure for the practice of sports or recreational activities will be available to this group under conditions of full equality, in accordance with the regulations to be issued.

## Article sheet

### Article 76°- **Use of private facilities.**

As far as possible, private educational institutions shall provide their facilities for the healthy recreation of minors in their community.

The Ministry of Culture, Youth and Sports and the Ministry of Public Education shall create the appropriate incentives for private entities that collaborate with the effective compliance of this provision.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

## Article sheet

### Article 77- **Access to information services.**

The Ministry of Culture, Youth and Sports and the Ministry of Public Education shall guarantee access for minors to public documentation services, libraries and the like, through the implementation of programs and the installation of adequate infrastructure.

## Article sheet

### Chapter VII

#### **Special Regime for the Protection of Adolescent Workers**

### Article 78- **Right to work.**

The State shall recognize the right of adolescents over fifteen years of age to work with the restrictions imposed by this Code, international conventions and the law. This right may be limited only when the work activity involves risk, danger to development, physical, mental and emotional health or when it disturbs regular school attendance.

## Article sheet

### Article 79°- **Equal rights.**

All adolescents shall be equal before the law and shall enjoy the same protection and guarantees as adults, in addition to the special protection recognized by this Code. They shall enjoy full equality of opportunity, remuneration and treatment in employment and occupation.

No distinction, exclusion or preference may be made between workers or groups of workers based on age, race, color, sex, religious or political creed, physical, social or economic condition. The apprenticeship contract shall be subject to the respective law, but only those over fifteen years of age may be hired as apprentices.

## Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### Article 80°- **Benefits that cannot be waived.**

The labor rights that the Political Constitution, international agreements, this Code and special, related or supplementary laws confer on adolescents shall constitute a minimum content of unwaivable benefits. Any acts or stipulations to the contrary shall be absolutely null and void.

#### Article sheet

#### Article 81°- **Labor policies.**

The Ministry of Labor and Social Security shall be in charge of issuing policies for the work of adolescents. Such policies shall:

- a) Create alternative mechanisms to support the families of adolescent workers, which may be offered through the National Program to Support Micro and Small Businesses and other programs that may be created.
- b) To avoid early insertion of adolescents into the labor market.
- c) Stimulate the learning of trades that guarantee the training of adolescents to join the labor market.

#### Article sheet

#### Article 82°- **Institutional coordination.**

The protection of adolescent workers will be the responsibility of the Ministry of Labor and Social Security, which will coordinate its work with the health and education services, the National Apprenticeship Institute, the National Children's Trust, non-governmental organizations and labor unions, to the extent that their objectives allow.

#### Article sheet

#### Article 83°- **Regulation of labor contracts.**

The Ministry of Labor and Social Security must ensure the protection and enforcement of the labor rights of adolescents. In order to fulfill its purposes, it shall regulate everything related to their hiring, especially the type of work allowed and the necessary working conditions. These regulations must be issued in coordination and consultation with the labor and business associations, the institutions and the social security institutions.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

governmental and non-governmental organizations responsible for the protection of adolescent workers, as well as with the groups they form to defend their rights.

#### Article sheet

##### Article 84- **Family work.**

Adolescent persons who work on their own account, in the formal or informal sector, at home or in family work shall also be protected by this Code. For the purposes of this article, family work shall be understood as work performed by them, as an indispensable contribution to the operation of the family business.

#### Article sheet

##### Article 85°- **Validity of the labor relationship.**

The employment relationship or the employment contract entered into between the employer and the adolescent worker, as of fifteen years of age, shall be considered fully valid.

#### Article sheet

##### Article 86°- **Legal capacity in labor matters.**

Adolescents, from the age of fifteen, are recognized as having full individual and collective labor capacity to enter into acts and contracts related to their labor and economic activity and to sue, before the administrative and judicial authorities, for compliance with the legal norms related to their activity.

#### Article sheet

##### Article 87°- **Work and education.**

The right and obligation of minors to be educated must be harmonized with the work of adolescents. To this end, their work must be performed without detriment to their attendance to the educational center. The Ministry of Public Education will design the modalities and school schedules that allow the attendance of this population to the educational centers.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

The authorities of the educational centers shall ensure that work does not affect school attendance and performance. They must inform the National Directorate and General Labor Inspectorate of the Ministry of Labor and Social Security of any irregular situation in the working conditions of students.

#### Article sheet

##### Article 88°- **Study facilities.**

Employers who hire adolescents shall be obliged to grant them the facilities to make their work compatible with their regular attendance to the educational center.

#### Article sheet

##### Article 89°- **Right to training.**

Adolescent workers shall be entitled to training appropriate to their conditions as developing persons.

#### Article sheet

##### Article 90°- **Notification of dismissal.**

The employer must notify the National Directorate and General Labor Inspectorate of the Ministry of Labor and Social Security of the dismissal with employer's liability of an adolescent worker within the notice period, in order to provide the affected person with the necessary advice about the compensation rights arising from the dismissal.

#### Article sheet

##### Article 91°- **Dismissal with just cause.**

Before dismissing an adolescent worker for just cause, the employer must obtain authorization from the National Labor Directorate and General Labor Inspection Office, offering the evidence it deems pertinent. This Office will verify the existence of the alleged cause, within a maximum term of eight working days. For this purpose, it shall hear the adolescent and receive the evidence deemed necessary.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

If the Management disallows the dismissal, the employer may appeal the decision before the Superior Labor Court. While the matter is being resolved in court, the dismissal may not be executed.

Failure to comply with this provision shall render the employer liable and the minor may request satisfaction of his or her compensation rights or reinstatement.

#### Article sheet

##### Article 92°- **Labor prohibition.**

The work of persons under fifteen years of age is prohibited. Whoever by any means finds that one of them is working, in violation of this prohibition, shall bring this fact to the attention of the Patronato Nacional de la Infancia, in order to adopt the appropriate measures so that this person ceases his or her work activities and reincorporates into the educational system.

When the Board of Trustees determines that the work activities of minors originate from family needs of a socioeconomic nature, it shall take the appropriate measures before the competent entities mentioned in Article 31 of this Code to provide the necessary assistance to the family nucleus.

#### Article sheet

##### Article 93°- **Prohibition of discrimination against pregnant women and nursing mothers.**

It shall be prohibited to terminate or discriminate against a pregnant or nursing adolescent, in accordance with the provisions of the Labor Code.

#### Article sheet

##### Article 94°- **Prohibited work for adolescents.**

Adolescents are prohibited from working in mines and quarries, unhealthy and dangerous places, alcoholic beverage outlets, activities in which their own safety or that of other persons is subject to the responsibility of the minor; likewise, where they are required to work with dangerous machinery, polluting substances and excessive noise, and all work regulated by the Law on the Prohibition of Dangerous and Unhealthy Work for Adolescent Workers.

*(Thus amended by Article 10 of Law No. 8922 of February 3, 2011 "Law on the Prohibition of Dangerous and Unhealthy Work for Adolescent Workers").*

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

## Article sheet

Article 94 bis.- Domestic work of adolescents.

It is that performed by persons over fifteen years of age and under eighteen years of age, on a regular or temporary basis either in private residences or in homes, in housekeeping, cooking, not involving profit or business for the employer or the employer. Such adolescent workers shall have the same rights and protection established in the Labor Code, without detriment to the provisions of this Code.

Adolescent domestic work is prohibited under the following conditions:

- a) That the adolescent person sleeps at his or her place of work.
- b) When it consists of the care of children, elderly or disabled persons.
- c) When it involves surveillance work.

*(Thus added by Article 2 of Law No. 8842 of June 28, 2010)*

## Article sheet

Article 95°- **Working day.**

The work of adolescents may not exceed six hours a day or thirty-six hours a week.

Night work by adolescents is prohibited. This type of work shall be understood as work performed between 7:00 p.m. and 7:00 a.m. the following day, except for mixed working hours, which shall not exceed 10:00 p.m.

## Article sheet

Article 96- **Own work.**

The provisions of the two preceding articles also apply to self-employment of adolescents.

The Patronato Nacional de la Infancia shall ensure compliance with this provision. The municipalities shall take an annual census of self-employed minors in their jurisdiction and shall forward it to the Patronato for matters within its competence.

## Article sheet

(\*)The Ministry of Labor and Social Security shall monitor the work of adolescents. Through the officials of the National Directorate of General Inspection of Labor, it shall periodically visit the work centers to determine if they employ minors and if they comply with the norms to protect them. If any irregularity is found, the Ministry of Labor and Social Security must adopt effective protection measures to protect the labor rights of these persons. In the event that the Ministry detects evidence of violations of the rights of children and adolescents, it must immediately inform the National Child Welfare Agency (PANI), so that it may take appropriate protective measures within its competence.

A workplace is understood to be any place of work, including the dwelling house, when minors are employed in domestic work. In particular, it shall monitor the following:

*(\*) (Thus amended the first paragraph by Article 1 of Law No. 8842 of June 28, 2010. However, from the analysis it can be deduced that it is an amendment to the first paragraph and an addition of a second paragraph).*

- a) The work performed is not prohibited or restricted for adolescents, according to this Code and the regulations to be issued.
- b) The work does not disrupt regular school attendance.
- c) The working conditions do not harm or endanger the physical or mental health of the adolescent.

## Article sheet

### Article 98- **Registration requirements.**

For the purposes of the preceding article, every employer who employs the services of adolescents over fifteen years of age shall keep a record containing the following data of the minor:

- a) First and last names.
- b) Age. The Civil Registry will issue, free of tax duties, the certifications requested for this purpose, when the minor does not have an identity card.
- c) The identification card number.
- d) The name and surname of the mother, father or legal representative.

- e) The domicile.
- f) Occupation.
- g) The work schedule, specifying the number of working hours.
- h) Remuneration.
- i) Proof of completion of basic general education, or of the level of education and the name of the educational center.
- j) If the underage person performs the work for the purpose of vocational training or if there is an apprenticeship contract.
- k) The occupational risk policy number.
- l) The policyholder number.

#### Article sheet

##### Article 99°- **Right to insurance.**

Adolescents working as employees shall be entitled to social security and insurance for occupational hazards, in accordance with the provisions of the Labor Code and related laws.

#### Article sheet

##### Article 100°- **Insurance for occupational risks.**

Adolescents who are self-employed and self-employed are entitled to insurance for occupational risks, subsidized by the National Insurance Institute, according to the regulations to be issued in this regard.

*(This article was regulated by Executive Decree No. 28192 of October 4, 1999).*

#### Article sheet

##### Article 101°- **Penalties.**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

Violations, by action or omission, of the provisions contained in Articles 88, 90, 91, 92, 93, 93, 94, 95 and 98, incurred by the employer shall constitute serious misconduct and shall be sanctioned in accordance with Articles 611, 613, 614 and 615 of the Labor Code, amended by Law No. 7360 of November 12, 1993.

The following penalties shall be applied to natural or legal persons convicted of having incurred in the offenses set forth in the preceding paragraph:

- a) For violation of Article 88, a fine of one to three salaries.
- b) For violation of Article 90, a fine of four to seven salaries.
- c) For violation of Articles 91 and 93, a fine of eight to eleven salaries.
- d) For violation of Article 95, a fine of twelve to fifteen salaries.
- e) For violation of the Law prohibiting dangerous and unhealthy work for adolescent workers, a fine equivalent to nineteen minimum wages as established in Law No. 7337.

*(Thus amended by Article 11 of Law No. 8922 of February 3, 2011 "Law on the Prohibition of Dangerous and Unhealthy Work for Adolescent Workers").*

- f) For violation of Articles 92 and 98, a fine of twenty to twenty-three salaries.

In order to fix the amount of the penalties, the base salary of the clerk 1, fixed in the ordinary budget of the Republic in force at the time of the infraction, shall be taken as a reference.

## Article sheet

### Article 102°- **Prevention of penalties.**

In the case of refusal to grant reports, notices, applications, permits, permits, verifications or documents required under this Code and the labor and social security laws, so that the labor authorities may exercise the control entrusted to them by said provisions, those responsible shall be sanctioned with the fine included in paragraph a) of the table of penalties of the preceding article, under prevention with a term of thirty days.

## Article sheet

### Article 103°- **Destination of fines.**

Fines collected shall be used in the following manner:

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

- a) Fifty percent (50%) will be allocated to the National Directorate and General Labor Inspection of the Ministry of Labor and Social Security.
- b) Ten percent (10%) to the Occupational Health Council.
- c) Ten percent (10%), to the Adolescent Clinic of the Costa Rican Social Security Fund.
- d) Ten percent (10%) to the National Learning Institute.
- e) Ten percent (10%) to the Fund for Children and Adolescents.
- f) Ten percent (10%) to the National Steering Committee for the Eradication of Child Labor.

The fines shall be paid in any of the banks of the National Banking System to the order of the Central Bank of Costa Rica, as collecting entity, in an account indicated for such purpose by said Bank. The amount will be included in the national budget of the Republic in favor of the Ministry of Labor and Social Security, which, in turn, will distribute it in the indicated percentages among the indicated entities.

The Ministry of Labor and Social Security shall report annually to the Ombudsman's Office on compliance with this provision.

## Article sheet

### Chapter VIII

#### **Right of Access to Justice**

##### **Article 104°- Right of denunciation.**

Minors are guaranteed the right to report an action committed to their detriment and to exercise, through the representative of the Public Prosecutor's Office, the corresponding civil actions.

## Article sheet

##### **Article 105°- Opinion of minors.**

Minors shall have direct participation in the processes and procedures established in this Code and their opinion shall be heard in this regard. The judicial or administrative authority will always take into account the emotional maturity to determine how it will receive the opinion. For these purposes, the Supreme Court of Justice shall establish the appropriate measures to conduct interviews, with the support of the interdisciplinary team and in the presence of the judge.

## Article sheet

### Article 106°- **Exemption from payment.**

Legal actions brought by a minor or his or her representative shall be exempt from the payment of costs and fiscal species of all kinds.

## Article sheet

### Article 107°- **Rights in proceedings.**

In any process or proceeding in which material provisions of this Code are in dispute, minors shall be entitled to the following:

- a) To be heard in their language and to have their opinion and versions considered in the resolution that is issued.
- b) Have a translator or interpreter available and select one when necessary.
- c) Attend hearings accompanied by a social worker, psychologist or other similar professional or a person you trust.
- d) Receive from the judge clear and precise information on the meaning of each of the proceedings that take place in his presence, as well as the content and reasons for each decision.
- e) That all procedures are carried out without delay, in simple and precise terms.
- f) The justification and determination of the protection measure ordered. In the resolution establishing the protection measure, the judicial or administrative authority shall explain to the minor, in accordance with his age and maturity, the reason why such measure was selected.
- g) Not to be placed in any public or private institution except by declaration of the competent authority, after all other placement options have been exhausted. The protective measure of shelter, issued by the local offices of the National Child Welfare Agency, is not affected.
- h) Discretion and confidentiality of the proceedings.
- i) To challenge judicial and administrative decisions, in accordance with the provisions of this Code.

## Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

Title III  
**Procedural Guarantees**

Chapter I  
**General Provisions**

**Article 108°- Standing to act as parties.**

When the interest of a minor is involved in the judicial proceedings, they shall be entitled to act as parties:

- a) Adolescents over fifteen years of age, personally, when so authorized by this Code and in other cases, will be represented by those exercising parental authority or by the National Child Welfare Agency when appropriate.
- b) Legally constituted social organizations, acting in the protection of minors, when they participate in defense of those they represent and there is a legitimate interest. Likewise, these organizations may act as coadjutants to protect the rights of their beneficiaries in the compliance of this Code.

**Article sheet**

**Article 109°- Guardianship of the Office of the Attorney General of the Republic.**

*(Annulled by resolution of the Constitutional Chamber No. 9274 of November 24, 1999)*

**Article sheet**

**Article 110°- Intervention of the Office of the Attorney General of the Republic.**

*(Annulled by resolution of the Constitutional Chamber No. 9274 of November 24, 1999)*

**Article sheet**

**Article 111- Representation of the Patronato Nacional de la Infancia.**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

In judicial processes and administrative proceedings involving the interest of a minor, the Patronato Nacional de la Infancia shall represent the interests of the minor when his or her interests are in conflict with those of those exercising parental authority. In all other cases, the Patronato will participate as an intervener.

## Article sheet

### Article 112- **Interpretation of rules.**

When interpreting and integrating the procedural rules established in this title, the judicial or administrative authority shall be guided by the best interests of the child and the other protective principles enshrined in the Political Constitution, the Convention on the Rights of the Child, the other international treaties related to the matter, the regulations enshrined in this Code and the Code of Civil Procedure; the latter, when it does not contravene the principles established in this law.

For the best determination of the best interests of the child, the authority shall have the support and consultation of an interdisciplinary team.

*(Sinalevi's Note: By means of Article 2 paragraph IV) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. Pursuant to transitory III of the aforementioned law said amendment will come into effect as of October 1, 2022, so that as of that date the new text will be as follows: "Article 112- Interpretation of rules. When interpreting and integrating the procedural norms established in this title, the judicial or administrative authority shall be oriented towards compliance with the best interests of the child and the other protective principles enshrined in the Political Constitution, the Convention on the Rights of the Child, the other international treaties related to the matter, the regulations enshrined in this Code and the Family Procedural Code; the latter, when it does not contravene the principles established in this law.*

*For the best determination of the best interests of the child, the authority shall have the support and consultation of an interdisciplinary team.").*

## Article sheet

### Article 113- **Interpretation of this Code.**

The guiding principles for interpreting the procedural rules of this Code shall be:

- a) The expansion of the judge's powers in the conduct of the process.
- b) The absence of procedural ritualism.
- c) The ex officio procedural impulse.
- d) Orality.
- e) Immediacy, concentration and procedural speed.

- f) The physical identity of the judge.
- g) The search for the real truth.
- h) The breadth of the means of proof.

## Article sheet

### Article 114- **Guarantees in the proceedings.**

In the processes and procedures in which the rights of minors are discussed, the State shall guarantee them:

- a) **Free of charge:** the State shall provide all minors with free technical defense and legal representation.
- b) **Publicity:** All proceedings conducted under the application of this Code shall be oral and public. The reservation of the hearing may be decreed ex officio or at the request of a party, when deemed appropriate by the nature of the process, considering the best interests of the minor and the nature of the act.
- c) **Equality:** the Public Administration and the judge must guarantee the equality of the parties and ensure their procedural balance and the right of defense.
- e) **Representation:** the administrative or judicial authority, as the case may be, shall guarantee the representation rights of the minor. The respective authority shall always ensure that there is no conflicting interest.
- f) **Right to a hearing:** in all administrative and judicial processes related to the rights of this population, their opinion shall be heard.

## Article sheet

### Article 115- **Duties of the judges.**

It shall be the duty of judges hearing cases involving a person under the age of 18 years to age:

- a) To initiate ex officio the matters that correspond to it.
- b) To integrate the litisconsortium.
- c) To push the process through to the final judgment.

- d) Conduct the process in search of the real truth.
- e) Reinstate proceedings or correct, ex officio, actions that may violate the right of equality or defense of the parties.
- f) Resolve the claims of the parties and what it is required to do by the provisions of this Code.
- g) Avoid any delay in the procedure.
- h) Evaluate the evidence by means of sound criticism.
- i) Use of the precautionary power.
- j) Sanctioning procedural fraud.

### Article sheet

#### Article 116- **Duties of family judges.**

In the judicial process, it will be the responsibility of the family judges:

- a) To hear, process and resolve, through the special protection process, complaints or claims against any action or omission that constitutes a threat or violation of the human rights of minors and other rights recognized in this Code, except in criminal matters.
- b) To hear complaints about irregularities in public or private care entities, which cause or may cause harm to minors, and to apply or recommend the corresponding measures.
- c) Apply the sanctions established in this Code in cases of non-compliance with the rules for the protection of minors.

### Article sheet

#### Article 117°- **Complaints for violation of this Code.**

Any public official or private person may denounce, judicially, the violation of the rights enshrined in this Code.

### Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### Article 118°- **Prevention by the judge.**

Ritualism shall be avoided in all procedural acts. The judge shall prevent the parties from complying with the procedural forms required in the cases expressly established in this Code.

#### Article sheet

#### Article 119- **Desertion and withdrawals.**

In proceedings involving the interest of minors there will be no room for desertion or abandonment. It shall be the judge's responsibility to push the process forward until the judgment is rendered.

#### Article sheet

#### Article 120°- **Assistance to victims.**

Minors who are victims of crime should always be assisted and recognized by experts in dealing with this group.

All judicial authorities or those who must collaborate in the processing of the process. Specialized professionals of the Legal Medicine Department of the Judiciary and technical or administrative police auxiliaries must be previously trained.

#### Article sheet

#### Article 121°- **Professional services.**

Medical personnel, psychiatrists and forensic psychologists shall be obliged to accompany underage victims, especially in the case of sexual crimes, as many times as the judicial authority deems necessary.

In order to avoid or reduce the risks that may be caused to the psychological health of the victims of the investigated act, the assigned professional will present the recommendations of the case to the judicial authority, who must take them into account when asked to testify at any stage of the process.

## Article sheet

### Article 122- **Request for report.**

In all proceedings for a sexual offense against a minor, the judicial authority shall request a report from the Social Work Department and the Psychology Department of the Judiciary. The document must be submitted within a maximum of fifteen days.

## Article sheet

### Article 123- **Attendance.**

The Social Work Department and the Psychology Department of the Judiciary shall assist the offended minor and his family during the process. At the end of the process, the minor must be referred to the corresponding institution for appropriate treatment.

## Article sheet

### Article 124- **Training for interrogations.**

Officers of the Judicial Investigation Agency or the Administrative Police, as the case may be, shall be duly trained to interrogate minors. During interrogations, they shall be limited to receiving the minimum information essential to ascertain the facts and shall guarantee respect for their dignity, honor, reputation, family and personal life.

## Article sheet

### Article 125- **Interrogations.**

The judicial or administrative authorities shall avoid, as far as possible, repeated or persistent questioning of juvenile victims of crime and shall be reserved for the decisive stage of the proceedings. When a more extensive deposition of the minor is appropriate, his or her right to express his or her opinion shall always be taken into account.

## Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### Article 126- **Conditions of the hearings.**

When an offended minor must attend a debate, the judicial authorities shall take the necessary measures to ensure that this takes place in a private hearing, if in the opinion of the court it is necessary to guarantee his emotional stability, or so that his spontaneity is not altered at the moment of giving evidence. This hearing may only be attended by the persons indicated by law; when the presence of the father, mother or guardians of minors may affect them, the judge may prevent them from remaining in the premises.

#### Article sheet

#### Article 127°- **Use of means in oral hearings.**

When oral hearings are to be held, the authority in charge of the case shall use technological or other means within its reach to avoid direct contact between the offended minors and the person to whom the criminal act is attributed. Due process shall be guaranteed at all times.

#### Article sheet

### Chapter II

### **Special Protection Process**

#### Section One

### **Special Administrative Protection Process**

#### Article 128- **Guarantees of the administrative process.**

The principles of the administrative process shall be applied in defense of the best interests of the minor. The Public Administration shall guarantee the principle of defense and due process, relative to the administrative decisions that seek to resolve any conflict arising from the exercise of the rights contemplated in this Code.

#### Article sheet

#### Article 129°- **Special protection process.**

At the administrative level, the special protection process is the responsibility of the local offices of the Patronato Nacional de la Infancia.

#### Article sheet

##### Article 130°- **Causes for protective measures.**

Protection measures for minors shall be applicable whenever the rights recognized in this Code are threatened or violated for one of the following reasons:

- a) Action or omission of society or the State.
- b) Fault, omission or abuse of parents, guardians, caregivers or responsible persons.
- c) Actions or omissions against themselves.

#### Article sheet

##### Article 131- **Other matters.**

In addition to the provisions of the preceding article, in all cases in which there is no judicial pronouncement on these matters, the following shall be processed by means of the special process provided for in this section:

- a) Suspension of visitation.
- b) Suspension of care, guardianship and temporary custody.
- c) Provisional suspension of the administration of property of minors.
- d) Any other measure that protects the rights recognized in this Code.

#### Article sheet

Article 132- **Initiation of the process.** In cases of serious threat or violation of the rights recognized in this Code, the special protection process may be initiated ex officio or by complaint filed by any person, authority or human rights organization.

## Article sheet

### Article 133- **Procedures in the local office.**

Once the fact is known or the complaint is received, the local office of the Patronato Nacional de la Infancia will verify the situation, listen to the parties involved, receive the evidence presented by them and immediately take the corresponding protective measures. The procedure followed by the local office will be summary and informal and will guarantee the hearing of the minor involved.

*(Sinalevi's Note: By means of Article 2 paragraph IV) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. Pursuant to transitory III of the aforementioned law said modification will come into effect as of October 1, 2022, therefore, as of that date the new text will be as follows: "Article 133- Procedures in the local office. Once the fact is known or the complaint is received, the local office of the Patronato Nacional de la Infancia (PANI) shall verify the situation, listen to the parties involved, receive the evidence presented by them and immediately dictate the corresponding protection measures. The procedure followed by the local office will be summary and informal and will guarantee a hearing for the minor involved.*

*By virtue of the principles governing this Code, in matters of notifications, the special process of protection in the administrative venue shall be governed by Law No. 8687, Judicial Notifications, of December 4, 2008."*

## Article sheet

### Article 134- **Criminal complaints.**

Once the existence of signs of mistreatment or abuse to the detriment of a minor has been proven in administrative proceedings, the criminal complaint must be filed immediately. The person or institution acting in the protection of minors may not be sued, even if the accused is not convicted in this venue. If the denounced person has any direct relationship of care or representation with the offended minor, the pertinent action shall be filed at the same time before the family judicial authority.

## Article sheet

### Article 135°- **Protection measures.**

The protective measures that the local office of the Patronato Nacional de la Infancia may issue are:

- a) Orientation, support and temporary follow-up to the family.
- b) Compulsory enrollment and attendance in official educational establishments.
- c) Inclusion in official or community programs to help families and minors.

- d) Order for medical, psychological or psychiatric treatment on an inpatient or outpatient basis.
- e) Inclusion in official or community assistance programs involving counseling and treatment for alcoholics and drug addicts.
- f) Interim care in foster families.
- g) Temporary shelter in public or private entities.

## Article sheet

### Article 136°- **Measures for parents or guardians.**

The following measures shall be applicable to parents or guardians of minors:

- a) Refer them to official or community-based family protection programs.
- b) Refer them to official or community support, counseling and treatment programs for alcoholics and drug addicts.
- c) Refer them for psychological or psychiatric treatment.
- d) To compel them to enroll in and monitor their school attendance and achievement.

## Article sheet

### Article 137°- **Other measures.**

These measures shall be applicable to employers, public officials or any other person who violates or threatens to violate the rights of minors:

- a) Written warning about the violation or threat against the right in question in the particular case, with summons to be duly informed about the rights of the minor.
- b) Order for the immediate cessation of the situation that violates or threatens to violate the right in question, when the summoned person does not appear within the term granted for such purpose or, when the summoned person has appeared but the minor continues in the same harmful situation.

## Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

### Article 138°- **Conditions for applying measures.**

In applying the measures set forth in Articles 135 and 136, the needs of those affected shall be taken into account and those aimed at strengthening family and community ties shall prevail.

The measures provided for may be adopted separately or jointly and may be substituted at any time. In the case of temporary care in a substitute family and temporary shelter in a public or private institution, the measure may not exceed six months.

### **Article sheet**

### Article 139- **Appeals.**

An appeal may be filed against the decision of the local office of the Patronato Nacional de la Infancia before the Executive President of the Patronato, which shall exhaust administrative channels. The appeal may be filed orally in writing, within forty-eight hours following its notification. The filing of the appeal shall not suspend the application of the measure.

### **Article sheet**

### Article 140°- **Non-compliance with measures.**

If any of the measures provided for in articles 135 and 136 are not complied with, the local office of the Patronato Nacional de la Infancia may adopt an alternative measure, extend the term of compliance with the previous one or refer the matter to the judge, for the suspension of parental authority.

If the unfulfilled measure is one of those provided for in article 137, the local office of the Board of Trustees shall file a complaint with the administrative authority responsible for taking the appropriate coercive actions.

*(Sinalevi's Note: By means of Article 2 paragraph IV) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be amended. Pursuant to transitory III of the aforementioned law said modification will come into effect as of October 1, 2022, so that as of that date the new text will be as follows: "Article 140- Non-compliance with measures. If any of the measures provided for in articles 135 to 136 are not complied with, the local office of the National Child Welfare Agency (PANI) may adopt an alternative measure, extend the term of compliance with the previous one or refer the matter to the judge, for the suspension of the attributes of parental responsibility.*

*If the measure not complied with is one of those provided for in Article 137, the local office of the Board of Trustees shall bring the complaint before the administrative authority responsible for taking the appropriate coercive action.").*

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

## Article sheet

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*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

## Section Two

### **Judicial Protection Process**

#### **Article 141°- Knowledge of special process.**

The family judges of the jurisdiction of the domicile of the minor involved in the process shall be competent to hear the special protection process.

#### **Article sheet**

*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

#### **Article 142- Situations that may be processed in special proceedings.**

Through the special protection process provided for in this section, situations arising from the issuance of protection measures by the local offices of the National Child Welfare Agency, according to articles 135, 136 and 137 of this Code, shall be processed. In order to resort to the special protection process in the judicial channel, this administrative channel must be previously exhausted.

Such proceedings shall not suspend or replace judicial proceedings in which filiation or parental authority is in dispute.

The process may also be initiated by a complaint from a local office of the Board of Trustees.

#### **Article sheet**

*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

#### **Article 143- Appointment of hearings.**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

Once the process has been initiated, the judge will review the results obtained with the measures dictated in the administrative venue and will set the date and time for the hearing, which must be held within a maximum period of five days. In the case of a crime, the judge will certify what is appropriate and refer it to the Public Prosecutor's Office or to the juvenile criminal jurisdiction, as the case may be.

## Article sheet

*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

### Article 144- **Order of the hearing.**

On the day and time set for the hearing, the judge shall proceed as follows:

- a) It will determine whether the parties are present.
- b) At the beginning of the hearing, he shall instruct the minor on the importance and significance of this act. In the case of matters that may be psychologically detrimental to the minor, he/she may order that he/she be temporarily removed.
- c) It shall hear, in order, the minor, the representative of the National Child Welfare Agency, the prosecutor appearing in the proceeding, the representatives of other institutions, third parties involved, physicians, psychologists and other specialists who are familiar with the case, and the parents, guardians or caregivers.
- d) Having heard the parties and according to the seriousness of the case, he may propose a definitive solution; in case it is not accepted by the parties, he shall proceed to the reception of evidence.

## Article sheet

*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

### Article 145- **Collection of evidence.**

At this hearing, the parties may propose evidence of any kind. The procedural guarantees set forth in this Title shall apply to the presentation of evidence.

On his own motion or at the request of a party, the judge shall order the proceedings to gather any other information necessary to resolve the case.

## Article sheet

*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

### Article 146°- **Final resolution.**

Once the evidence has been received and evaluated according to the rules of sound judgment, the judge will issue a final decision within a maximum period of five days. In such resolution, the judge may confirm the measure ordered by the local office of the Patronato Nacional de la Infancia, extend it for an equal period, replace it with another or revoke it. In any case, the judge may initiate, ex officio, the corresponding process of definitive suspension of custody, guardianship or parental authority, as appropriate.

## Article sheet

*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

### Article 147°- **Delegation of execution.**

The judge shall ensure the effective enforcement of the decision issued. In the case of any of the measures provided for in articles 135 and 136, the judge may delegate the execution of what has been agreed to protect the minor to the competent local office of the National Child Welfare Agency and every two months will request reports on such compliance.

## Article sheet

*(Sinalevi's Note: By means of article 4 paragraph II) of the law that approves the Family Procedural Code, No. 9747 of October 23, 2019, this numeral will be repealed. In accordance with transitory III of the aforementioned law, said modification will enter into force as of October 1, 2022, therefore, as of that date the respective repeal will be made).*

### Article 148°- **Confirmation of measures.**

If the agreed measure is one of those provided for in Article 137 and the judge confirms it, in the same act he shall order the initiation of the corresponding process to resolve the situation presented in a definitive manner.

## Article sheet

### Article 149- **Revocation of resolutions.**

The judge may revoke, ex officio or at the request of a party, all decisions rendered in the proceeding, except those that terminate the proceeding. The appeal may be filed orally or in writing within three working days of notification.

The judge before whom the appeal for revocation is filed shall resolve it, without further proceedings, within the following forty-eight hours.

## Article sheet

### Article 150°- **Appeal of writs.**

Appeals may be filed against orders that definitively resolve the procedure, determine the separation of a minor from his or her parents, guardians or caregivers, or decide to initiate the protection procedure.

The time limit for filing an appeal shall be three days and may be presented orally or in writing. It will be admitted in the devolutive effect.

## Article sheet

### Article 151- **Hearings.**

The superior court shall schedule a hearing, within five days, to hear the parties and receive the evidence they provide, and shall rule within three days following the hearing.

## Article sheet

### Article 152- **Modification of resolution.**

Upon appeal, the superior court shall confirm, modify or revoke the decision only in the part subject to appeal, unless, as a consequence of the decision, it is required to modify other points.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

## Article sheet

### Article 153- **Appeal for inadmissibility.**

When the judge of first instance has denied the appeal, the interested party may appeal for inadmissibility within three days of notification of the denial before the court of second instance, according to the Code of Civil Procedure.

## Article sheet

### Chapter III

#### **Conciliation and Mediation**

### Article 154- **Judicial conciliation.**

Judicial conciliation in matters involving children and adolescents may be held when a proceeding is pending or as an act prior to it. In both cases it shall be governed by the procedure established in this chapter.

## Article sheet

### (\* )Article 155°- **Impediments.**

Matters involving unwaivable rights of the parties, domestic violence, suspension or loss of parental authority, or matters that may constitute criminal offenses may not be subject to mediation or conciliation.

*(\* ) (By resolution of the Constitutional Chamber No. 2002-07362 of 07/24/2002, it is stated that this article is not unconstitutional, as long as it is interpreted that conciliation may be carried out when the accused and the offended party are minors).*

## Article sheet

### Article 156- **Conciliatory process.**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

The judicial conciliation process shall be initiated, ex officio at the request of the parties, at any stage of the proceedings, even at the hearing or without the need for prior proceedings. The nature of the conflict and the points to be settled in the conciliation agreement shall be established. In any case, the conciliatory agreement shall guarantee the protection of the rights of minors. The judge will summon the parties to the appearance and will summon them personally.

#### **Article sheet**

##### **Article 157°- Appearance for conciliation.**

The appearance at the conciliation must be personal. It will begin with an interview of the parties, through the conciliator. In this first stage, the conciliator shall try to inform both parties about the elements that characterize the conciliation process and warn them about the convenience of reaching an agreement. If he deems necessary, he may interview each party separately and then bring them together to establish the extremes of the conflict and try to propose possible solutions.

The parties may be assisted by their lawyers in the conciliation. In any case, the non-attendance of the litigants will not prevent its celebration.

#### **Article sheet**

##### **Article 158°- Presence during conciliation proceedings.**

In any matter submitted to conciliation and involving the rights enshrined in this Code, the minors concerned and their representatives must be present, under penalty of nullity of the agreement. Minors may be accompanied by another person of their trust.

The conciliator shall listen to the opinion of minors, taking into account their emotional maturity. When the opinion of an adolescent concurs with that of his representative, it will be binding to establish the agreement.

#### **Article sheet**

##### **Article 159- Settlement agreement.**

The conciliation agreement shall be recorded in minutes signed by the conciliator and the parties, and shall have the effect of an enforceable judgment.

The minutes of conciliation agreements shall contain:

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

- a) The indication of the data necessary to identify the parts and the process.
- b) The nature of the matter.
- c) A succinct account of what took place at the hearing.
- d) The agreements reached by the parties.
- e) The signatures of the parties, the judge and the clerk of the office.

### Article sheet

#### Article 160°- **Partial conciliatory agreements.**

If the agreement is partial and there is pending litigation, the process shall continue with respect to the points not conciliated and this shall be stated in the conciliation agreement. If the conciliation is requested by the parties, without there being pending litigation, the right of the parties shall be preserved to ventilate the non-conciliated points in the corresponding judicial process.

### Article sheet

#### Article 161°- **Approval resolution.**

In order to approve the agreement, the judge will issue a homologating resolution that will not contain the formalities of a judgment; but it will have the same effects. In it, the nature of the matter, the agreements entered into and the reason or basis for homologating the agreement will be laconically stated; likewise, the judge's legal grounds for rejecting those that violate the rights of minors. The homologation will then be read to the parties at the same hearing.

### Article sheet

#### Article 162°- **Execution of settlement agreements.**

The enforcement of conciliation agreements entered into before a judge will be processed before the same conciliating judge through the judgment enforcement procedure.

### Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### Article 163- **Effect of the conciliatory procedure.**

The conciliation process may not exceed three months from the date of the request of the parties. The conciliation process shall suspend the time limits for the expiration of the action. The conciliation out of process may be requested again by the parties when the first appearance has failed. However, the conciliator may refuse the request if he deems that the action should be deemed to have been exhausted. Likewise, the conciliator shall have the duty to refuse the conciliation process when, in his opinion, the subject matter of the conciliation cannot be resolved in this way due to a legal impediment. If the conciliation fails, the judge will continue the process.

#### Article sheet

#### Article 164°- **Procedure of the mediation.**

The mediation will be carried out in administrative headquarters, by means of the centers that are established for this effect. The administrative procedure for mediation will be based on the same principles of conciliation: confidentiality, impartiality and equality of the parties. It will be a self-managed, voluntary and optional procedure; likewise, it will be applied, as far as compatible, in the manner of carrying out the mediation.

#### Article sheet

#### Article 165- **Alternative resolution centers.**

Public or private institutions in charge of the care or protection of minors must create the necessary centers for alternative conflict resolution to carry out mediation in this matter.

#### Article sheet

#### Article 166°- **Mediation.**

The mediation is an autonomous and independent process of the judicial conflict. What is resolved by the mediation centers will be enforceable for the parties involved in the settlement; but the right to discuss it in court remains unaffected.

The agreement resulting from a mediation shall have full value between the parties that enter into it, who may modify it by means of a new request for mediation.

## Article sheet

### Article 167°- **Disputes that may be settled before mediation centers.**

Disputes over the custody of minors, visitation, alimony or any other not requiring judicial intervention, may be settled before the mediation centers and may be asserted before the respective judge, provided that the rights of this group are not violated and the rights are available between the parties with the procedural guarantees of defense, hearing and technical assistance for these persons.

## Article sheet

### Title IV

### **National Integral Protection System**

### Chapter I

### **System Conformation**

### Article 168°- **Guarantee of integral protection.**

The comprehensive protection of the rights of minors will be guaranteed in the design of public policies and the execution of programs aimed at their attention, prevention and defense, through the governmental and social institutions that make up the National System for the Comprehensive Protection of the Rights of Children and Adolescents.

## Article sheet

### Article 169°- **System of Integral Protection of the Rights of the Child.**

The System for the Integral Protection of the Rights of Children and Adolescents will be made up of the following organizations:

- a) The National Council for Children and Adolescents.
- b) Government institutions and civil society organizations represented in the Children's Council.
- c) Child Protection Boards.

- d) The Committees for the protection of the rights of children and adolescents.

## Article sheet

### Chapter II

#### National Council for Childhood and Adolescence

##### Article 170°- **Creation.**

The National Council for Children and Adolescents, attached to the Executive Branch, is created as a space for deliberation, agreement and coordination between the Executive Branch, the decentralized institutions of the State and the representative organizations of the community related to the matter.

The Council shall be responsible for ensuring that the formulation and implementation of public policies are in accordance with the policy of comprehensive protection of the rights of minors, within the framework of this Code and in accordance with the principles set forth herein.

The governmental institutions that make up the Council shall retain their own constitutional and legal powers.

*(The Constitutional Chamber by resolution No. 13583-2007 of 19/09/2007, ruled that "...this article cannot be interpreted in such a way as to disregard, prejudice or diminish the constitutional powers of the Patronato Nacional de la Infancia".)*

## Article sheet

##### Article 171- **Functions.**

The Council shall have the following functions:

- a) Coordinate inter-institutional and intersectoral action in the formulation of policies and the implementation of programs for the prevention, care and defense of the rights of minors.
- b) To know and analyze the annual operating plans of each of the public institutions that are members of the Council, in order to ensure that the best interests of minors are considered in their formulation.
- c) To know and analyze the monitoring and evaluation reports prepared by the National Children's Trust, in compliance with Article 4, paragraph d) of its Organic Law.
- d) Evaluate the reports submitted by the National Children's Trust and issue the pertinent recommendations to the corresponding institutions and disseminate them by the most appropriate means.

- e) Submit for national discussion the annual status of the rights of children and adolescents. This study and the results of its discussion and consultation should be taken into account by the institutions in their annual planning activities.
- f) To hear and approve the reports of the special working commissions set up within it and issue the necessary recommendations to the pertinent institutions.
- g) Request technical and financial assistance from national and international cooperation agencies.
- h) Promote cooperation agreements between public institutions or between these and private institutions to better comply with the agreements adopted.
- i) To issue the internal regulations to operate.

*(The Constitutional Chamber by resolution No. 13583-2007 of 19/09/2007, ruled that: ".this article cannot be interpreted in such a way as to disregard, prejudice or diminish the constitutional powers of the Patronato Nacional de la Infancia". )*

## Article sheet

### **Article 172.- Integration**

The Board shall be composed as follows:

- a) One representative from each of the ministries in charge of the following areas: public education, public health, culture and youth, labor and social security, recreation and sports, justice and peace, public security, national planning and economic policy, and migration and foreigners.
- b) One representative from each of the following institutions: the National Child Welfare Agency (PANI), the Mixed Institute for Social Assistance (IMAS), the Costa Rican Social Security Fund (CCSS), the National Learning Institute (INA), the National Women's Institute (INAMU) and the Municipal Development and Advisory Institute (IFAM).
- c) A single representative of the sector formed by associations, foundations or non-governmental organizations dedicated to the care and assistance of minors.
- d) A single representative of the sector formed by associations, foundations or any other non-governmental organization dedicated to the promotion and defense of the rights of this population.
- e) A representative of the National Council for Persons with Disabilities (Conapdis).
- f) A single representative of the National Directorate of Community Development.
- g) An adolescent representative of the National Assembly of the National Consultative Network of the Young Person.
- h) A single representative of the business chambers.

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

- i) A single representative of the labor organizations.
- j) A representative of the National Council of Rectors (Conare).
- k) A representative of the National Council of the Public Policy of the Young Person.

The members of the Board, formally appointed, shall have the capacity to deliberate and make decisions on the matters that correspond to them in said body.

*(As amended by the sole article of Law No. 9425 of February 28, 2017)*

## **Article sheet**

### **Article 173.-Appointment of members**

The members of the Council shall be appointed by the President of the Republic; those of the social organizations mentioned in the preceding article shall be appointed on the basis of the lists of three candidates to be sent by each sector to the Presidency of the Republic during the first month of the Government's term of office. Each sector shall determine the procedure for drawing up the respective list of three candidates.

In the event of resignation or permanent absence of any of its members, the Board shall proceed to inform the Executive Branch within a term of up to thirty working days, so that it may appoint another person to replace him/her for the remainder of the respective term.

*(As amended by article 2 of Law No. 9001 of October 31, 2011)*

## **Article sheet**

### **Article 174- Government representatives.**

Government representatives to the Council shall be trusted officials and may be removed from their positions at any time by the President of the Republic. The representatives of the community organizations shall be appointed for a period of three years and may be reelected. Participation in this Council shall be ad honorem.

## **Article sheet**

### **Article 175- Internal organization of the Council.**

Each year, the Board shall elect a chairman and a vice-chairman from among its members, who shall replace the chairman during their absences. Both may be reelected for an equal period.

## Article sheet

### Article 176- **Special working commissions.**

The Council may set up special working committees, permanent or temporary, for specific purposes and with the participation of representatives of other public entities and non-governmental organizations, and may authorize their operation.

## Article sheet

### **Article 177. Sessions of the Board**

The Council shall hold regular meetings once a month and extraordinary meetings when called by its Chairman at the request of one third of all its members. The Board shall meet validly with a quorum constituted by an absolute majority of its members.

*(As amended by article 2 of Law No. 9001 of October 31, 2011)*

## Article sheet

### Article 178- **Functions of the technical secretariat.**

The Council shall have a technical secretariat, whose functions shall be:

- a) Prepare a study on the monitoring and evaluation reports submitted for consideration by the Council.
- b) Execute, follow up and monitor compliance with the resolutions adopted by the Board.
- c) Formulate an annual study on the state of the rights of children and adolescents. To do so, it will seek the participation of other institutions dedicated to the study of this subject, especially universities.

## Article sheet

### Chapter III

#### **Boards for the Protection of Children and Adolescents**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

## Article 179- **Integration and performance.**

The Boards for the Protection of Children and Adolescents, attached to the National Children's Trust, will make up the National System of Integral Protection and will act as local bodies for the coordination and adaptation of public policies on the matter.

In addition to the members indicated in the Organic Law of the Institution, each Board shall have a representative of the adolescent population of the community, who must be over fifteen years of age and shall act with voice and vote. The rules for appointing such representative shall be established in the respective regulations.

## Article sheet

Article 180°- Other functions. In addition to the specific functions indicated in the Organic Law of the National Child Welfare Agency, the Protection Boards shall:

- a) Promote respect for the rights of minors in the community by public and private institutions that carry out programs and projects of care, prevention and defense of rights, as well as respect for the procedural guarantees that correspond to them in the administrative proceedings in which they are involved.
- b) To be aware of the reports to be submitted quarterly by the local offices of the National Child Welfare Agency, regarding the situation of children and adolescents based on the cases handled and the programs developed by them. They shall evaluate said reports, issue recommendations and disseminate them in the respective community, through publications, public activities and other means deemed appropriate.
- c) To issue the recommendations and suggestions it deems necessary to guarantee respect for the rights of children and adolescents, both to local public and private entities, as well as to individuals who carry out care and defense programs and projects.

*(Sinalevi's note: See [paragraph 32 of the Organic Law of the National Child Welfare Board, No. 7648 of December 9, 1996](#), which establishes other functions of the boards for the protection of children and adolescents).*

## Article sheet

### Chapter IV

## **Guardianship Committees for the Rights of Children and Adolescents**

### **Article 181.**

The committees for the protection of the rights of children and adolescents are hereby created as bodies of the community development associations, which shall operate within the framework of Law No. 3859, Law on Community Development, of April 7, 1967, with the following purposes:

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

a) To collaborate with the development association in dealing with matters related to minors, their development and prevention of social risk.

b) To watch over the rights and guarantees of this population in their community.

*(As amended by article 3 of law no. 9001 of October 31, 2011)*

## Article sheet

### **Article 182.- Regulation**

The general assembly of the development association shall regulate the structure and functioning of the guardianship committee. Its term of office shall coincide with the term of office of the board of directors of the development association, which has the power to establish and renew the guardianship committee and the obligation to supervise its operation.

*(As amended by Article 4 of Law No. 9001 of October 31, 2011)*

## Article sheet

### Article 183- **Financing.**

The establishment and operation of these guardianship committees may be financed by the Fund for Children and Adolescents.

## Article sheet

## Chapter V

### **Fund for Children and Adolescents**

#### Article 184°- **Creation.**

The Fund for Children and Adolescents is created, whose purpose will be to finance, in favor of minors, projects that develop community-based comprehensive protection actions, and of exclusively community and inter-institutional execution.

## Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### Article 185°- **Constitution.**

To constitute the Fund created in the previous article, at least one eighth (0.5%) of the four percent (4%) of the resources of the Social Development and Family Allowances Fund assigned to the National Children's Trust by Law No. 7648 of December 9, 1996 shall be allocated. The Fund for Children and Adolescents shall be managed through a special account and may not be used for other purposes or for administrative expenses.

#### Article sheet

#### Article 186- **Functions of the Board of Directors relating to the Fund.**

In relation to the Fund, the following functions correspond to the Board of Directors of the Patronato Nacional de la Infancia:

- a) Promote the formulation of grassroots projects and community implementation for the comprehensive protection of minors.
- b) To know and approve the projects submitted to it.
- c) Issue guidelines for managing the fund and project requirements.
- d) Oversee the management of resources and the development and execution of projects.
- e) Report semi-annually to the National Council for Children and Adolescents on the investment of the Fund's resources.
- f) Such other functions as may be required to fulfill its duties.

#### Article sheet

#### Article 187°- **Functions of the Boards in relation to the Fund.**

The Child and Adolescent Protection Boards will be responsible for the fund:

- a) Promote in the community, the formulation of special projects to support the rights of minors.
- b) Channel and recommend special projects for the comprehensive protection of the community to the Board of Directors of the Patronato Nacional de la Infancia.

c) To monitor the execution of special projects financed by the Fund for Children and Adolescents.

## Article sheet

### **Article 187 bis.- Resources from the Fund**

Resources from the Fund for Children and Adolescents for the implementation of projects submitted by guardianship committees, previously approved by PANI's Board of Directors, will be allocated to the development associations to which such committees are registered, which will be responsible for the implementation of the projects. Said development associations must comply with the legal requirements for their performance, prior to the allocation of resources.

The boards for the protection of children and adolescents shall supervise and verify that the resources allocated to them comply with the purposes imposed by law, without detriment to the supervision attributions to be performed by PANI.

Likewise, when the resources come from this Fund, the protection boards will have the powers to promote the formulation of grassroots and community implementation projects for the comprehensive protection of minors, as well as to hear and approve the projects and issue guidelines regarding the requirements they must meet.

*(Thus added by article 5 of Law No. 9001 of October 31, 2011)*

## Article sheet

### **Title V Final**

#### **Provisions Chapter I**

#### **Sanctions**

#### **Article 188°- Misconduct of public officials.**

Violations incurred by public officials by action or omission of the provisions contained in Articles 27, 32, 35, 41, 43, 43, 46, 49, 49, 50, 55, 55, 56, 59, 59, 60, 63, 67, 68, 69, 121, 122, and 123 shall be considered serious misconduct.

## Article sheet

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

#### Article 189- **Disciplinary proceedings.**

Once a complaint has been filed against a public official, the hierarchical superior shall apply the disciplinary procedure contained in numeral 211 of the General Law of the Public Administration or the corresponding measures of the regime to which the denounced person belongs, without prejudice to the pecuniary sanctions imposed by the competent judge according to the amounts established in the following article.

The application of these measures must be immediate, in order to prevent the penalty from becoming time-barred, under penalty of incurring the crime of breach of duty, if the superior fails to apply it. If it is found that the official repeats his misconduct, he shall be dismissed.

#### **Article sheet**

#### Article 190°- **Infringements by private individuals.**

Infringement of the provisions of Articles 27, 35, 43, 45, 49, 49, 50, 50, 55, 56, 56, 59, 59, 60, 63, 64, 68 and 69 incurred by individuals shall entail, in addition to the measure to be adopted by the judge, a fine according to the following regulation:

- a) The amount equivalent to three clerk's wages 1, when a provision is violated for the first time.
- b) The amount equivalent to five clerk 1 salaries, when the official repeats the infraction for which he/she had been sanctioned.

When the infraction is committed in a private establishment, the latter is jointly and severally liable for the civil consequences of the act.

#### **Article sheet**

#### Article 191°- **Imposition of sanctions.**

Once the infringement has been established, the sanction imposed by the judge in accordance with the preceding article shall be established in the respective sentence, in the contentious process, or in the final resolution, in the other processes.

#### **Article sheet**

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

Article 192°- **Destination of fines.**

The amounts collected from the fines applied shall be deposited in favor of the Fund for Children and Adolescents.

Fines imposed as a consequence of the infraction of this Code shall be cancelled in some of the authorized banks of the National Banking System.

#### Article sheet

##### Article 193°- **Proof of payment.**

The bank office will issue a payment voucher, which will indicate the name of the depositor, the number of the judicial file to which the cancellation corresponds, the amount of the deposit and the name and account number of the Fund for Children and Adolescents. The banks shall be obliged to send a copy of the payment voucher to the Patronato Nacional de la Infancia, for accounting control purposes.

#### Article sheet

##### Article 194°- **Fines and surcharges for late payment.**

Fines must be paid within eight working days after notification of the final judgment. If they are not paid within the established term, they will be subject to a late payment surcharge of three percent (3%) per month over the original amount, up to a maximum of thirty-six percent (36%), which must be notified by the judge in the sentence and the enforcement process may be initiated ex officio.

#### Article sheet

##### Article 195°- **Public order.**

This law is of public order. It is effective as of its publication.

#### Article sheet

### Chapter II

[http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm\\_texto\\_completo.aspx?param1=NR\\_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC](http://www.pgrweb.go.cr/scij/Busqueda/Normativa/Normas/nrm_texto_completo.aspx?param1=NR_TC&nValue1=1&nValue2=43077&nValue3=0&strTipM=TC)

## **Transitory Provisions**

Transitory I.- Judicial and administrative matters pending resolution at the time this law enters into force shall continue to be processed in accordance with the procedural provisions in force at the time they were initiated. In any case, the judicial and administrative authorities shall endeavor to apply the principles and new rules set forth in this Code, to the benefit of the minor.

### **Article sheet**

Transitory II.- The Judiciary shall set up, as soon as possible, the disciplinary teams attached to the family courts and other judicial bodies that hear cases involving minors. After the first six months from the entry into force of this law, there shall be, as a minimum, an interdisciplinary team exclusively to attend to this population and provide support to the judicial authorities that require it. Likewise, it will try to strengthen the family courts with personnel specialized in minors and will designate, on a preferential basis, a family court for children and adolescents in the province of San José.

### **Article sheet**

Transitory III: Within a maximum term of one year as from the effective date of this law, the National Child Welfare Agency shall reorganize its local offices and install the boards for the protection of children and adolescents in all the places where they are located. Within the same term, the Committees for the Protection of the Rights of Children and Adolescents shall be appointed in the communal development associations.

### **Article sheet**

Transitory IV.- The Patronato Nacional de la Infancia shall be responsible for adopting the budgetary and administrative provisions for the constitution and operation of the Fund for Children and Adolescents, within a maximum period of six months from the publication of this law.

### **Article sheet**

Transitory V.- The National Council for Children and Adolescents shall be appointed and shall become effective within a maximum term of three months as of the effective date of this law.

## Article sheet

Transitory VI.- Adolescents under fifteen years of age who are working when this law enters into force, may continue working, without the employer incurring in the liabilities provided herein, provided that the employer communicates the situation to the Ministry of Labor and Social Security within a maximum term of one month.

The Ministry of Labor will keep a record of cases and will provide special follow-up on them with regard to the protection of the rights of the adolescent until he/she reaches the minimum working age, in accordance with Article 96 of this Code.

*Communicate to the Executive Branch*

LEGISLATIVE ASSEMBLY - San José, on the eleventh day of December, nineteen hundred and ninety. and seven.

Given at the Presidency of the Republic, San José, on the sixth day of January of the year one thousand nine hundred and ninety-eight.

## Article sheet

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