

(H.B. 524)

(No. 72)

(Approved August 25, 2005)

AN ACT

To add a Section 30A to Act No. 5 of December 30, 1986, as amended, known as the “Child Support Administration Organic Act,” in order to provide that in the case of the death of any natural person, the person authorized to administer his/her properties must solicit from the Administrator of the Child Support Administration a certification of child support indebtedness.

STATEMENT OF MOTIVES

Act No. 5 of December 30, 1986, as amended, known as the “Child Support Administration Organic Act,” states that it is public policy of the Government of Puerto Rico to ensure that the legally responsible parents contribute, in the measure that their resources allow, to the support and welfare of their children or dependents by strengthening the systems and expediting the administrative and judicial procedures for determining, collecting and distributing child support.

Child support debts are deemed as ordinary debts that accrue interest for delay just like any other common tangible or intangible property obligation. Even though the right to receive support, once the obligor has died, is not transferable to third parties, indebtedness or delay in meeting these obligations is. *Suria Campos v. Fernández Negrón*, 101 D.P.R. 316, to

page 321 (1973); *Martínez v. Rivera*, 116 D.P.R. 164, 168 (1985). In defining succession as a transfer of the rights and obligations of the deceased to the heirs, delays in the support obligations are not excluded and are considered as part of the obligations of the decedent's estate.

The right to child support is invested with the highest public interest. The Legislature believes that the present measure is necessary so as to ensure that this obligation, set forth in the Puerto Rico Civil Code and in Act No. 5, *supra*, is strictly met until the death of the person who by law must provide child support.

BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:

Section 1.-A Section 30A is hereby added to Act No. 5 of December 30, 1986, as amended, to read as follows:

“Section 30A.-Certification of Child Support Indebtedness.-

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

No court shall approve the division or distribution, sale, delivery, cession or execution of a mortgage on the property of a decedent without deducting and depositing with the court or the Administration, from the product of the public auction, in the name of the deceased obligor, the total amount of the support indebted; and no notary shall authorize, issue or certify any document whatsoever concerning the division, distribution, sale, delivery, cession or mortgage on such property or any hereditary property of the decedent until a certification of indebtedness is obtained from the administrator certifying that said decedent is not indebted on account of

child support and no Property Registrar shall enter in any register whatsoever under his charge, any notarial document, sentence or judicial act granted, pronounced or issued in relation to any division or distribution, sale, delivery or mortgage on such property or any hereditary property of the decedent without a certification of indebtedness from the administrator certifying that said deceased obligor is not indebted on account of child support.”

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

CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 72 (H.B. 524) of the 1st Session of the 15th Legislature of Puerto Rico:

AN ACT to add a Section 30A to Act No. 5 of December 30, 1986, as amended, known as the “Child Support Administration Organic Act,” in order to provide that in the case of the death of any natural person, the person authorized to administer his/her properties must solicit from the Administrator of the Child Support Administration a certification of child support indebtedness,

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

In San Juan, Puerto Rico, today 17th of January of 2006.

Francisco J. Domenech
Director