

Law No. 27337.- **Approves the New Code for Children and Adolescents.**

LAW N° 27337

THE PRESIDENT OF THE REPUBLIC

HOW MUCH:

The Congress of the Republic has given the following Law:

THE CONGRESS OF THE REPUBLIC;

He has given the following Law:

**LAW THAT APPROVES THE NEW CODE OF
CHILDREN AND TEENS**

Sole Article.- Object of the Law

Approve the New Code for Children and Adolescents, with the following text:

CODE OF CHILDREN AND TEENAGERS

PRELIMINARY TITLE

FIRST BOOK	:	Rights and freedoms
SECOND BOOK	:	National System of Comprehensive Child Care and the teenager
THIRD BOOK	:	Family institutions
FOURTH BOOK	:	Administration of justice specialized in boy and teenager

TRANSITORY DISPOSITIONS

FINAL PROVISIONS

PRELIMINARY TITLE

Article I.- Definition.- Every human being is considered a child from conception to turn twelve years of age and teenager from the age of twelve until the age of eighteen old.

The State protects the conceived for everything that favors him. If there is doubt about age of a person, he will be considered a child or adolescent until proven otherwise.

Concordances:

DU DD.HH: Art. 6

Conv.DN: Art. 1°

CC: Arts. 1st, 42nd

CP: Art. 20° inc. two)

CPC: Arts. 57th, 58th

Article II.- Subject of rights.- The child and the adolescent are subjects of rights, freedoms and of specific protection. They must comply with the obligations enshrined in this standard.

Concordances:

CC: Arts. 1st, 3rd, 4th, 5th

CPC : Arts. 1st, 2nd, 57th, 58th

Article III.- Equal opportunities.- For the interpretation and application of this Code, must consider equal opportunities and non-discrimination to which everyone is entitled Child and teenager without distinction of sex.

Concordances:

DU DD.HH: Art. 6

Conv.DN: Art. 28°

CNA: Art. 23°

CC: 3rd, 4th, 5th

Article IV.- Capacity.- In addition to the rights inherent to the human person, the child and the adolescents enjoy specific rights related to their development process.

They have special capacity to perform the civil acts authorized by this Code and

Other laws

The Law establishes the circumstances in which the exercise of these acts requires a regime of Assistance and determine responsibilities.

In case of violation of the criminal law, the child will be subject to protective measures and the adolescent of socio-educational measures.

Concordances:

DU DD.HH: Art. 6

CNA: Arts. II, IX, 99°, 102°, 107°, 183°, 184°, 185°, 186°

CC: Arts. 1st, Arts. 3rd, 4th, 5th 45th

CPC .: Arts. 1st, 2nd, 57th, 58th

Article V.- Scope of general application.- This Code shall apply to all children and adolescents of the Peruvian territory, without any distinction based on race, color, sex, language, religion, political opinion, nationality, social origin, economic position, ethnicity, physical or mental impairment, or any other condition, either their own or their parents or responsible.

Concordances:

Conv.DN: Art. 2°

CC: 3rd, 5th

CPC: Arts. 1st, 2nd, 57th, 58th

Article VI.- Extension of the scope of application.- This Code recognizes that the The obligation of attention to the child and the adolescent extends to the mother and her family.

Article VII.- Sources.- In the interpretation and application of this Code, it shall be taken into Account of the principles and provisions of the Political Constitution of Peru, the Convention on the Rights of the Child and other international conventions ratified by Peru.

In everything related to children and adolescents, family institutions are governed by provided in this Code and the Civil Code as applicable.

The rules of the Civil Code, Criminal Code, Civil Procedure Code and Criminal Procedure Code are apply when applicable in supplementary form to this Code. When it comes to children or adolescents belonging to ethnic groups or native or indigenous communities, are will observe, in addition to this Code and current legislation, their customs, as long as are not contrary to public order rules.

Concordances:

Conv. DN: Arts. 1st to 8th

CNA: Art. X

CC: Arts. VIII, 1st to 5th

CPC: Arts. III, 1st, 2nd, 57th, 58th

Article VIII.- Mandatory execution.- It is the duty of the State, family, institutions public and private and grassroots organizations, promote the correct application of principles, rights and norms established in this Code and in the Convention on Children's rights.

Concordances:

CNA: Art. II, IX

CC: Art. VII

Article IX.- Best interest of the child and the adolescent.- In any measure concerning the child and adolescent who adopts the State through the Executive, Legislative and Judicial, Public Ministry, Regional Governments, Local Governments and their others institutions, as well as in the action of society, the Principle of Interest will be considered Superior of Children and Adolescents and respect for their rights.

Concordances:

Conv. DN: Art. 3º

CC: Art. 1

Article X.- Process as a human problem.- The State guarantees a system of administration of specialized justice for children and adolescents. The cases subject to judicial or administrative resolution in which children or adolescents are involved will be treated as human problems.

Concordances:

CNA: Art. VII

CPC: Arts. III

TUOLOPJ: Art. 6, 7

CNA: Art. 4th

CIVIL RIGHTS

Article 1.- To life and integrity.- The child and the adolescent have the right to life from the moment of conception.

This Code guarantees the life of the conceived, protecting it from experiments or genetic manipulations contrary to their integrity and their physical or mental development.

Concordances:

DU DD.HH: Art. 6

Conv.DN: Art. 6°

CC: Arts. 1st, 5th

CPC: Arts . 57th and 58th

Article 2.- To your attention by the State since its conception.- It is the responsibility of the State promote the establishment of adequate conditions for mother's care during the stages of pregnancy, childbirth and the postnatal phase. The State will grant attention specialized to the adolescent mother and will promote breastfeeding and the establishment of day care centers. The company will help to make such guarantees effective.

Concordances:

Conv.DN: Art. 2°

CC: Art. 1

Article 3.- To live in a healthy environment.- The child and adolescent have the right to live in A healthy and ecologically balanced environment.

Concordances:

Conv.DN: Art. 3°

CNA: Arts. 144th inc. e), 160° inc. F)

Article 4.- To their personal integrity.- The child and the adolescent have the right to be Respect their moral, psychic and physical integrity and their free development and well-being. They can't be subjected to torture, or cruel or degrading treatment.

Extreme forms that affect your personal integrity, forced labor and economic exploitation, as well as forced recruitment, prostitution, trafficking, sale and trafficking of children and adolescents and all other forms of exploitation.

Concordances:

Conv. DN: Arts. 3rd, 7th, 19th, 34th, 35th, 36th, 37th inc. to)

CC: Arts. 1st, 5th

CP: Arts. 153°, 181° inc. one)

Article 5.- Freedom.- The child and the adolescent have the right to freedom. No child or Teen will be arrested or deprived of his freedom. Detention cases are excluded for injunction or flagrant violation of the criminal law.

Concordances:

Conv.DN: Art. 37° inc. b)

Article 6.- To the identity.- The child and the adolescent have the right to identity, which it includes the right to have a name, to acquire a nationality and, as far as possible, to meet their parents and carry their last names. They also have the right to the integral development of your personality.

It is the obligation of the State to preserve the registration and identity of children and adolescents, punishing those responsible for their alteration, substitution or illegal deprivation, in accordance with the Criminal Code.

In the event of such alteration, substitution or deprivation, the State shall restore the true identity through the most suitable mechanisms.

When a child or adolescent is involved as victims, authors, participants or witnesses of an infraction, offense or offense, their identity or image will not be published through the media.

Concordances:

Conv.DN: Arts.7°, 8°

CC .: Arts. 19° to 32°, 418°

Article 7°.- Upon registration.- Children are registered in the Registry of Civil Status corresponding by your father, mother or the person in charge of your care, immediately after of his birth Failure to do so within thirty days will proceed according to the prescribed in Title VI of the Organic Law of the National Registry of Identification and Civil Status.

The mother's fingerprint identification and the pelmatoscopic identification of the newborn, in addition to the data corresponding to the nature of the document

The agency in charge of registration will extend, under responsibility and free of charge, the first proof of birth within a period not exceeding twenty four hours from the moment of registration. *(one)*

(1) Article clarified by Art. 1 of RM No. 389-2004 / MINSA, published on 04/23/2004.

Note: This standard requires that the issuance of the Certificate del Born Born is free in all health facilities from the country, public and private, as well as those issued by professionals or health personnel who have provided the Attention.

Concordances:

CC: Arts. 23rd, 25th

Law No. 26497: Arts. 2nd, 40th to 58th

Article 8°.- To live in a family. - The child and the adolescent have the right to live, grow and develop within your family.

Children and adolescents who lack a natural family have the right to grow in an environment suitable family.

The child and adolescent may not be separated from their family except by circumstances specials defined in the law and with the exclusive purpose of protecting them.

Parents should ensure that their children receive the necessary care for their proper

integral development.

Concordances:

Conv.DN: Art. 9º

CNA: Arts. 74º, 75º, 77º, 98º, 104º, 115º, 235º, 252º

CC: Arts. 235º, 418º, 423º inc. 1), 2)

Article 9º.- To freedom of opinion.- The child and adolescent who are in conditions if their own judgments are formed, they will have the right to express their opinion freely in all matters that affect them and by the means they choose, including conscientious objection, since their opinions are taken into account according to their age and maturity.

Concordances:

Conv.DN: Art. 12º

CNA: Arts. 85º, 99º, 101º, 107º, 114º, 227º

Article 10.- Freedom of expression.- The child and the adolescent have the right to freedom of expression in its different manifestations.
The exercise of this right will be subject to the restrictions determined by law.

Concordances:

Conv.DN :: Arts. 4th, 13th, 14th

CC: Arts. 14th to 17th

Article 11º.- To freedom of thought, conscience and religion.- The child and the adolescent They have the right to freedom of thought, conscience and religion.
The right of the parents, or their guardians, to guide the child and adolescent will be respected in the exercise of this right according to their age and maturity.

Concordances:

Conv.DN: Arts. 4th, 13th, 14th

CC: Arts. 14th to 17th

Article 12.- Free transit.- The child and adolescent have the right to freedom of transit, with the restrictions and authorizations indicated in the Third Book of this Code.

Concordances:

CNA: Arts. 111th, 112th, 115th

Article 13.- To be associated.- The child and adolescent have the right to freedom to associate for lawful purposes and to meet peacefully.

Only adolescents may constitute legal entities of an associative nature without the purpose of profit. Children may join these associations.

The special civil capacity of the adolescents that make up these legal persons only allows the performance of acts strictly related to their purposes, provided that No matter the disposition of assets.

These associations are recognized by Local Governments and can enroll in the Public Records for the sole merit of the Municipal Resolution of recognition.

Concordances:

Conv.DN: Art. 15º

CNA: Arts. IV, 66º

CC: Arts. 15th, 80th

**CHAPTER II
ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

Article 14.- To education, culture, sport and recreation.- The child and the adolescent have education rights. The State ensures the public free education for those who have economic limitations. No child or teenager should be discriminated against in a center educational, because of their disability status or because of the marital status of their parents. The girl or the adolescent, pregnant or mother, should not be prevented from starting or continuing her studies.

The educational authority shall take the necessary measures to avoid any form of discrimination.

Concordances:

Conv.DN: Arts.5º, 28º

Article 15.- To basic education.- The State guarantees that basic education includes:

- a) The development of the personality, aptitudes and mental and physical capacity of the child and the adolescent, to its fullest potential;
- b) Respect for human rights and fundamental freedoms;
- c) The promotion and dissemination of the rights of children and adolescents;
- d) Respect for parents, their own cultural identity, language, national values and values of peoples and cultures other than their own;
- e) The preparation for a responsible life in a free society, with a spirit of solidarity, understanding, peace, tolerance, equality between the sexes, friendship between peoples and groups ethnic, national and religious;
- f) Training in a democratic spirit and in the responsible exercise of rights and obligations;
- g) Sexual orientation and family planning;
- h) The development of autonomous, critical and creative thinking;
- i) The training of children and adolescents for productive work and for the management of technical and scientific knowledge; Y,
- j) Respect for the natural environment.

Concordances:

Conv.DN: Art. 29º 1: a, b, c, d, e, 42

CNA: Arts. 24th inc. a), b), j), f)

LGE: Arts. 14th to 19th

Article 16.- To be respected by their educators.- The child and the adolescent have the right to be respected by their educators and to question their evaluative criteria, being able to resort to higher instances if necessary.

Concordances:

Law No. 24029: Art. 13º inc. to)

Article 17.- To be enrolled in the regular education system.- The parents or Those responsible are required to enroll their children or those in their care in the regular teaching system.

Concordances:

Conv.DN: Art. 20º

CNA: Arts. 74th inc. b), c), 98º

CC: Arts. 235º, 423º inc. two)

Article 18º.- To the protection by the Directors of the educational centers.- The Directors

of the educational centers will communicate to the competent authority the cases of:

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- a) Physical, psychological, harassment, abuse and sexual violence against students;
- b) Repeated repetition and dropout;
- c) Reiterated unexcused offenses;
- d) Consumption of toxic substances;
- e) Helplessness and other cases involving violation of the rights of children and adolescents;
- f) School performance of working children and adolescents; Y,
- g) Other harmful facts.

Concordances:

CNA: Art. 29° inc. g), 45° inc. h)

Article 19.- Modalities and schedules for work.- The State guarantees modalities and special school schedules that allow working children and teenagers to attend regularly to their study centers.

The Directors of the educational centers will pay attention so that the work does not affect their attendance and school performance and will report periodically to the competent authority about the performance level of working students.

Concordances:

Conv.DN: Art. 32° inc. 2. lit. b)

CNA: Arts. 22°, 40°

Article 20.- To participate in sports and recreational cultural programs.- The State stimulate and facilitate the application of resources and physical spaces for the execution of programs cultural, sports and recreation aimed at children and adolescents. The municipalities they will channel the resources and execute programs with the collaboration and contest of the society Civil and social organizations.

Agreement:

Conv.DN: Art. 31°

Article 21°.- To the integral health care.- The child and the adolescent have the right to comprehensive health care, through the execution of policies that allow their physical development and intellectual in appropriate conditions.

When they are sick, with physical or mental limitations, disabled, or when deal with dependents of toxic substances, will receive treatment and rehabilitation that allows their participation in the community according to their abilities.

It is up to the State, with the collaboration and competition of civil society, to develop necessary programs to reduce mortality and prevent disease; educate the family in hygiene and sanitation practices; and combat malnutrition, giving priority to these programs to children and adolescents in especially difficult circumstances and to mother-teenager during pregnancy and lactation periods.

Concordances:

Conv.DN :. Art. 29°

Article 22°.- Right to work of the adolescent.- The adolescent who works will be protected

especially by the State. The State recognizes the right of adolescents to work, with the restrictions imposed by this Code, as long as there is no exploitation economic and work activity does not matter risk or danger, affect your educational process or Harmful to your health or to your physical, mental, spiritual, moral or social development.

Concordances:

Conv.DN: Art. 32°

CNA: Arts. 19th, 48th to 68th

CHAPTER III

RIGHTS OF CHILDREN AND DISABLED TEENAGERS

Article 23.- Rights of disabled children and adolescents.- In addition to the rights enshrined in the Convention on the Rights of the Child and in this Code, the disabled children and adolescents enjoy and exercise the rights inherent in their own condition.

The State, preferably through the Ministries included in the National Council of the Person with Disability, and society will ensure equal opportunities for Access appropriate conditions to your situation with adapted material and services, such as health education, sport, culture and job training. It also ensures the full development of his personality to the maximum of his potentials, as well as the enjoyment of a full life and dignified, facilitating their active participation, equality and opportunities in the community.

Concordances:

CNA: Art. 36°

Conv.DN: Arts. 24th, 25th, 26th

CHAPTER IV

DUTIES OF CHILDREN AND TEENAGERS

Article 24.- Duties.- The duties of children and adolescents are:

- a) Respect and obey their parents or those responsible for their care, provided that their orders do not injure your rights or contravene laws;
- b) Study satisfactorily;
- c) Take care, as far as possible, of their ascendants in their illness and old age;
- d) Provide their collaboration at home, according to their age;
- e) Respect public and private property;
- f) Conserve the environment;
- g) Take care of your personal health;
- h) Do not consume psychotropic substances;
- i) Respect the ideas and rights of others, as well as religious beliefs other than yours; Y,
- j) Respect the country, its laws, symbols and heroes.

Concordances:

Conv.DN: General Standards
CNA: Art. 15° inc. d), e), h)
CC: Art. 454°

CHAPTER V GUARANTEE

Article 25.- Exercise of rights and freedoms.- The State guarantees the exercise of rights and freedoms of children and adolescents enshrined in law, through politics, measures and permanent and sustained actions contemplated in this Code.

Concordances:

Conv.DN: Art. 4°
CNA: Art. 28°
CC: Art. 3°
LOMP: Art. 1°

Article 26.- Dissemination of the rights contained in this Code.- The Ministry of Promotion of Women and Human Development (PROMUDEH) will promote, in the media of

Mass communication, spaces destined to the diffusion of the rights of the child and the Teen. For these purposes, you may sign cooperation agreements.

Concordances:

Conv.DN: Arts. 17th, 42nd
D.Leg N° 866: Art.2°
DS N° 001-97-PROMUDEH: Art. 3°

SECOND BOOK NATIONAL SYSTEM FOR INTEGRAL CARE FOR CHILDREN AND ADOLESCENTS

CHAPTER I NATIONAL SYSTEM AND RECTOR

Article 27.- Definition.- The National System of Comprehensive Attention to Children and Adolescents is the set of bodies, entities and public and private services that formulate, coordinate, monitor, evaluate and execute the programs and actions developed for the protection and promotion of the rights of children and adolescents. The system works through a articulated set of inter-institutional actions developed by public institutions and private.

Concordances:

Conv.DN: Art. 4°
D.Leg N° 866: Art. 3°
DS N° 01-97-PROMUDEH: Art.4°

Article 28.- Management of the System and Governing Body.- The Ministry of Promotion of Women and of Human Development (PROMUDEH) directs the system as the Governing Body. The execution of

plans and programs, the implementation of coordinated care measures, as well as the Guardianship research and protection measures are located in the administrative field. The PROMUDEH has as head of the system a technician specialized in children and adolescents.

Concordances:

D.Leg No. 866: Art. 9

DS N ° 01-97-PROMUDEH: Arts. 14th, 15th

Article 29.- Functions

The Ministry of Women and Social Development (MIMDES) as the governing body of the System:

- a) Formulates, approves and coordinates the execution of policies aimed at the comprehensive care of children and adolescents;
- b) It dictates national and general technical and administrative norms on the attention of the child and teenager;
- c) Opens guardianship investigations to children and adolescents in situations of abandonment and applies the corresponding measures;
- d) Directs and coordinates the National Adoption Policy through the National Secretariat of Adoptions and decentralized headquarters at the regional level;
- e) Keeps the records of private and community organizations dedicated to children and adolescence;
- f) Regulates the functioning of public, private and communal organizations that execute programs and actions aimed at children and adolescents, as well as supervise and evaluate the fulfillment of its purposes;
- g) Ensures compliance with the norms contained in the Convention on the Rights of the Child, in this Code and in national legislation;
- h) Channel to the competent authorities the facts that you know from which the presumption of a crime or offense committed against children and adolescents; and,
- i) All others that correspond according to law. *(two)*

(2) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004

Article 30.- Inter-institutional actions.- PROMUDEH will articulate and guide the inter-institutional actions of the National System of Integral Attention that are executed through of the various public and private organizations.

Concordances:

CNA: Arts. 70th, 119th

D.Leg No. 866: Art. 5

Article 31.- Decentralization.- Regional and local governments shall establish, within their respective jurisdictions, technical entities similar to the governing body of the system, the who will be in charge of regulations, records, supervision and evaluation of actions that develop executive instances. PROMUDEH will coordinate with these Regional and local technical entities fulfilling their functions.

**INTEGRAL CARE POLICY AND PROGRAMS
TO THE CHILD AND THE TEENAGER**

Article 32.- Policy.- The promotion, protection and care policy for children and adolescents is the set of guidelines and guidelines of a public nature, dictated by PROMUDEH, whose main objective is to guarantee their rights enshrined in the regulations.

Concordances:

Conv.DN: Art. 27°

CNA: Arts. VIII, 25th, 27th

Article 33.- Program development.- The policy of attention to children and adolescents will be oriented to develop:

- a) Prevention programs that guarantee adequate living conditions;
- b) Promotion programs that motivate your participation and that of your family and that allow develop their potentialities;
- c) Protection programs that ensure timely care when facing situations of risk;
- d) Assistance programs to meet your needs when they are in especially difficult circumstances;
- e) Rehabilitation programs that allow physical and mental recovery and that offer specialized care.

Concordances:

Conv.DN: Art. 27°

Article 34.- Conditions for the development of plans and programs.- The plans, programs and actions will be developed taking into account the social and cultural situation of the child and of the adolescent, in accordance with the national policy dictated by PROMUDEH.

Concordances:

CNA: Art. 33°

D.Leg N° 866: Art. 2°

Article 35.- Special programs.- PROMUDEH will develop special programs for children and adolescents who present peculiar characteristics of their person or derived from a social circumstance.

Concordances:

D.Leg N° 866: Art. 3rd inc. c)

Article 36.- Programs for disabled children and adolescents.- The child and the disabled teen, temporarily or definitely, have the right to receive care assisted and permanent, under the responsibility of the Health Sector. They have the right to an education specialized and job training under the responsibility of the Education Sectors and Job.

The abandoned disabled person has the right to permanent assisted care under

responsibility of PROMUDEH.

Concordances:

Conv.DN: Art. 23^o inc. 2. 3)

D.Leg No. 866: Art. 3rd inc. b)

Article 37.- Programs for children and adolescents addicted to psychotropic substances.-

The child and adolescent addicted to psychotropic substances that produce dependence will receive specialized treatment of the Health Sector.

PROMUDEH promotes and coordinates prevention, treatment and rehabilitation programs of these children and adolescents between the public and private sectors.

Concordances:

Conv.DN: Arts. 24th, 33rd

Article 38.- Programs for abused children and adolescents or victims of violence

sexual.- The child or adolescent victims of physical, psychological or sexual violence they deserve to be given comprehensive care through programs that promote their physical and psychological recovery. The service is in charge of the Health Sector. These programs They must include the family.

The State guarantees respect for the rights of the victim in all proceedings Police and judicial. PROMUDEH promotes and establishes preventive programs for protection and attention, public and private, aimed at preventing, addressing and reducing the effects of violence directed against the child or adolescent.

Concordances:

Conv.DN: Art. 19^o inc. 1), 34^o

Article 39.- Programs for children and adolescents victims of armed violence or

displaced.- Children and adolescents victims of armed violence and / or displaced from their Place of origin will be attended through national specialized assistance programs. The PROMUDEH will convene public and private organizations for the execution of these programs, both national and international, competent in the field.

Concordances:

Conv.DN: Arts. 19th inc. 1), 37^o

Article 40.- Programs for children and adolescents who work and live on the street

Working children and adolescents will participate in programs aimed at ensuring their educational process and its physical and psychological development.

Children and adolescents living on the street have the right to participate in programs of comprehensive care aimed at eradicating begging and ensuring its educational process, its physical and psychological development

The Ministry of Women and Social Development, in coordination with the Regional Governments and Local, will be responsible for the promotion and implementation of these programs, which are developed through a training process that includes strengthening their links with the Family, school and community. (3)

(3) Article modified by the 1st. Available End of Law No. 28190, published on 03/18/2004.

Concordances:

Conv.DN: Art. 32°

CNA: Arts. 22nd, 48th to 68th

Article 41.- Programs for children and adolescents who lack family or are they find themselves in extreme poverty.- The child and adolescent beneficiaries of programs, when they lack family or are in a situation of extreme poverty, they will be integrated into assistance programs of public or private organizations.

Concordances:

CNA: Arts.33°, 34°

CHAPTER III DEFENSORY OF THE CHILD AND THE TEENAGER

Article 42.- Definition.- The Ombudsman for Children and Adolescents is a service of the System Comprehensive Care that works in local governments, in public institutions and private and in civil society organizations, whose purpose is to promote and protect rights that legislation recognizes children and adolescents. This service is of character gratuitous.

Article 43°- Administrative instance.- This Office of the Ombudsman will act in the instances administrative institutions of public and private institutions for children and adolescents.

Article 44.- Members.- The Office of the Ombudsman will be composed of professionals from various disciplines of recognized moral solvency, with the support of people trained to perform the functions of the service, who will act as Promotores-Defensores. The Ombudsmen who do not have professionals may be made up of people from the community duly trained and accredited for the exercise of its function.

Concordances:

CNA: Art. 45°

Article 45.- Specific functions.- The functions of the Ombudsman are:

- a) Know the situation of children and adolescents who are in public institutions or private;
- b) Intervene when their rights to make are threatened or violated the best interest principle prevail;
- c) Promote the strengthening of family ties. For this you can make reconciliations extrajudicial between spouses, parents and relatives, on food, possession and regime of visits, provided there are no legal proceedings on these matters;
- d) Know about family placement;
- e) Encourage voluntary recognition of the affiliation;
- f) Coordinate care programs for the benefit of working children and adolescents;
- g) Provide multidisciplinary guidance to the family to prevent critical situations, always that there are no previous judicial processes; Y,
- h) Report to the competent authorities the offenses and crimes committed to the detriment of the Children and teenagers.

Concordances:

CNA: Arts. 44th, 79th

Article 46°.- Organization and registration.- Public and private institutions of attention to Children and adolescents will organize the Ombudsman's Office according to the services they provide and They will request your registration with PROMUDEH.

Article 47°.- Labor regime.- The organization and operation of the Defensoría, as well as

the labor regime of defenders will be subject to the provisions of the public sector or private that governs in the institution where the service is provided.

CHAPTER IV REGIME FOR THE WORKING TEENAGER

Article 48.- Scope of application.- Adolescents who work in a dependent or on behalf of others, they are covered by this Code. It includes those who perform the home work and those who work on their own or independently, as well as to those who do domestic work and unpaid family work. Excludes from its scope the work of apprentices and practitioners, which is governed by your own laws.

Concordances:

Conv.DN: Art. 32°

CNA: Arts. 19th, 22nd

Article 49.- Institutions responsible for the protection of the adolescent worker.- The protection for the adolescent worker corresponds to PROMUDEH in a coordinated way and complementary with the Labor, Health and Education Sectors, as well as with the Governments Regional and Municipal. PROMUDEH dictates the care policy for working adolescents.

Concordances:

CNA: Arts. 22nd, 28th

Article 50.- Authorization and registration of the adolescent worker.- The adolescents They require authorization to work, except in the case of the unpaid family worker. The head of the family, in the case of the unpaid family worker, will register the adolescent worker in the corresponding municipal registry. The data indicated in Article 53 of this Code will be recorded in the registry.

Concordances:

CNA: Arts. 53°, 57°, 63°

Article 51.- Ages required to work in certain activities

The minimum ages required to authorize the work of adolescents are the following:

1. In the case of work for someone else or that is provided in a dependency relationship:
 - a) Fifteen years for non-industrial agricultural work;
 - b) Sixteen years for industrial, commercial or mining work; Y,
 - c) Seventeen years for industrial fishing work.
2. In the case of the other work modalities, the minimum age is fourteen years. By exception will be granted authorization from the age of twelve, provided that the work to do not harm your health or development, or interfere or limit your attendance at the centers educational and allow their participation in vocational guidance or training programs. It is presumed that adolescents are authorized by their parents or responsible for work when they live with them, unless expressly stated otherwise. (4)

(4) Article modified by the Unique Art of Law No. 27571, published on 12/05/2001

Concordances:

Conv.DN: Art. 32° inc. 2: a)

CNA: Art. 50°

Article 52°.- Competence to authorize the work of adolescents.- They have competence to register, authorize and supervise the work of adolescents who have ages indicated in the preceding article:

- a) The Labor Sector, for work for others or that are provided in relation to dependence; Y,
- b) District and provincial municipalities within their jurisdictions, for workers domestic, self-employed or carried out independently and within their jurisdiction.

In all work modalities, registration will be free.

Concordances:

CNA: Art. 54°

Article 53.- Registration and data to be recorded.- The institutions responsible for authorize the work of adolescents will keep a special register in which the next:

- a) Teen's full name;
- b) Name of their parents, guardians or guardians;
- c) Date of birth;
- d) Address and place of residence;
- e) Work performed;
- f) Remuneration;
- g) Work schedule;
- h) School he attends and study schedule; and,
- i) Medical certificate number.

Article 54.- Authorization.- These are requirements to grant authorization for the work of teenagers:

- a) That the work does not disturb the regular school attendance;
- b) That the medical certificate accredit the physical, mental and emotional capacity of the adolescent To perform the work. This certificate will be issued free of charge for medical services from the Health or Social Security Sector; Y,
- c) That no adolescent be admitted to work without proper authorization.

Article 55.- Medical examination.- Working adolescents are periodically submitted to medical exams. For independent and domestic workers the exams will be free and will be in charge of the Health Sector.

Article 56°.- Working day.- The adolescent's work between twelve and fourteen years of age does not It will exceed four hours a day or twenty four hours a week. The teenager's job, between fifteen and seventeen years shall not exceed six hours a day or thirty six hours weekly

Concordances:

Conv.DN: Art. 32° inc. b)

Article 57.- Night work.- Night work is understood as the one performed between the 19.00 and 07.00 hours. The Judge may exceptionally authorize the night work of adolescents from fifteen until they turn eighteen, provided that they do not exceed four hours daily. Outside this authorization night work is prohibited of teenagers.

Concordances:

Conv.DN: Art. 32° inc. 2: b)

Article 58°.- Prohibited works.- The work of adolescents in the underground is prohibited, in tasks that involve the manipulation of excessive weights or toxic substances and in activities in which your safety or that of others is under your responsibility. PROMUDEH, in coordination with the Labor Sector and consultation with labor unions and business, periodically establish a relationship of hazardous work and activities or

Harmful to the physical or moral health of adolescents where they should not be occupied.

Concordances:

CNA: Arts. 57th, 70th

Article 59.- Remuneration.- The working adolescent will not receive a lower remuneration to that of other workers in the same category in similar jobs.

Article 60°.- Notebook of the adolescent worker.- The adolescents who work must be provided with a notebook granted by the person who confirmed the authorization for the work. In this The data indicated in Article 53 of this Code shall be recorded.

Concordances:

CNA: Art. 53°

Article 61.- Facilities and benefits for working adolescents.- The employers who hire teenagers are obliged to grant them facilities that make compatible your work with regular school attendance.

The right to paid paid vacations will be granted in the holiday months school children

Article 62.- Registration of establishments that hire teenagers.- The establishments that hire teenagers to work should keep a record that contains the data indicated in Article 53 of this Code.

Concordances:

CNA: Art. 53°

Article 63.- Domestic work or unpaid family work.- Adolescents who do they work in domestic service or do unpaid family work have

right to a break of twelve continuous daily hours. Employers, employers, parents or relatives are obliged to provide all facilities to guarantee their regular school attendance.

It is the responsibility of the specialized Judge to know the fulfillment of the provisions referring to work of teenagers that is done at home.

Article 64.- Social security.- Adolescents who work under any of the Modalities covered by this Law are entitled to compulsory social security, so less in the health benefits scheme. It is the obligation of employers, in the case of employed person and domestic worker, and the head of the family, in the case of Unpaid family worker, comply with these provisions. Teenage independent workers can benefit from this benefit by paying only 10% of the quota corresponding to the worker of a dependent employment relationship.

Concordances:

Conv.DN: Art. 26º

CNA: Art. 22º

Article 65.- Capacity.- Working adolescents may claim, without the need for empowered and before the competent authority, compliance with all legal norms related to their economic activity.

Concordances:

CNA: Arts. IV, 13th, 22nd

CC: Arts. 3rd, 4th, 12th

CPC: Arts. 57th and 58th

TUO LFE: Art. 35º

Article 66.- Exercise of collective labor rights.- Adolescents can exercise labor rights of a collective nature, being able to be part or form unions by productive unit, branch, trade or work area. These can join organizations of superior grade.

Concordances:

CNA: Arts. 13th, 22nd

Article 67.- Municipal employment programs.- Training programs for the employment promoted by municipalities, in compliance with the Organic Law of Municipalities, they have as their main beneficiaries the adolescents registered in the respective municipality.

Article 68.- Training programs.- The Labor Sector and the municipalities will create special programs for job training and vocational guidance for Working teenagers

Article 69.- Definition.- Contraventions are all those actions or omissions that they attempt against the exercise of the rights of children and adolescents indicated in the law.

Concordances:

CNA: Arts. II, III, 137º inc. and)

Article 70.- Competition and administrative responsibility.- It is competence and responsibility of PROMUDEH, the Ombudsman for Children and Adolescents and Governments Local, monitor compliance and apply the administrative sanctions of their competence when the rights of children and adolescents are threatened or violated.

The responsible officials will be subject to fines and will be obliged to pay damages and damages for breach of these provisions, without prejudice to criminal penalties to Let there be place.

Concordances:

CNA: Arts. 28º, 42º, 136º

LOMP: Arts. 1st, 3rd, 5th, 11th, 14th

Article 71.- Intervention of the Public Ministry.- The Public Ministry, through the Prosecutor Specialized and Crime Prevention Prosecutor, will monitor compliance with this Law.

Concordances:

LOMP: Arts. 1st, 3rd, 6th, 9th, 11th, 14th

Article 72.- Jurisdictional intervention.- The specialized judges are empowered to apply the corresponding judicial sanctions, with the intervention of the representative of the Public ministry.

Concordances:

CNA: Art. 137º inc. and)

Article 73.- Role of regional and local governments.- Regional Governments and Premises will dictate the complementary norms that this Law requires, establishing administrative provisions and sanctions appropriate to the peculiarities and specificities of Children and adolescents from your region or locality.

**THIRD BOOK
FAMILY INSTITUTIONS**

**TITLE I
THE FAMILY AND ADULTS RESPONSIBLE FOR
CHILDREN AND TEENS**

**CHAPTER I
CUSTODY**

Article 74.- Duties and rights of the parents.- The duties and rights of the parents that exercise parental authority:

- a) Ensure its integral development;
- b) Provide their support and education;
- c) Direct your educational process and job training according to your vocation and skills;
- d) Give them good examples of life and correct them moderately. When your action is not enough they may resort to the competent authority;
- e) Have them in your company and resort to authority if necessary to recover them;
- f) Represent them in the acts of civil life as long as they do not acquire the capacity to exercise and civil liability;
- g) Receive help from them according to their age and condition and without harming their attention;
- h) Manage and usufruct their assets, when they had them; Y,
- i) In the case of products, the provisions of Article 1004 of the Civil Code will be followed.

Concordances:

CNA: Art. 9

CC: Arts. 235°, 418°, 423°, 424°

Article 75.- Suspension of the Parental Rights.- The Parental Rights is suspended in the following cases:

- a) By the interdiction of the father or mother originated in civil causes;
- b) Due to judicially declared absence of the father or mother;
- c) For giving them orders, advice or examples that corrupt them;
- d) For allowing them laziness or dedicating them to begging;
- e) For mistreating them physically or mentally;
- f) For refusing to lend them food;
- g) Due to separation or divorce of the parents, or due to disability of the marriage in accordance with Articles 282° and 340° of Civil Code.

Concordances:

CC: Arts. 49°, 340°, 422°, 463°, 466°, 470°

Article 76.- Validity of Parental Rights.- In cases of conventional separation and Subsequent divorce, neither parent is suspended in the exercise of parental rights.

Agreement:

CC: Arts. 340°, 345°, 355°

Article 77.- Extinction or loss of parental authority.- The parental authority is extinguished or misses:

- a) Due to the death of the parents or the child;
- b) Because the adolescent acquires the age of majority;
- c) By judicial declaration of abandonment;
- d) For having been convicted of a criminal offense committed to the detriment of their children or to the detriment of the same;
- e) For recurring in the causes indicated in subsections c), d), e) and f) of Article 75; Y,

(5) Article replaced by the unique Article of Law No. 27473 published on 06/06/2001.

Agreement:

Conv.DN: Arts. 1st, 9th

CNA: Arts. 75th inc. c), d), e) and f), 248 inc. b) to i), 249°

CC: Arts. 46°, 418°, 422°, 461°, 462°, 470°

L. N ° 27473: Sole Art.

Article 78.- Restitution of Parental Rights.- The parents to whom the exercise of parental authority may request restitution when the cause that motivates it ceases. The specialized judge must evaluate the suitability of restitution of parental rights in reason for the Principle of the Best Interest of Children and Adolescents.

Concordances:

CNA: Arts. 75°, 160°

CC: Arts. 340°, 471°

Article 79.- Request for suspension or loss of parental rights.- Parents, ascendants, siblings, managers or any person who has legitimate interest can request the suspension or loss of parental rights.

Agreement:

CNA: Art. 80°

Article 80.- Faculty of the Judge.- The Judge specialized in any state of the case, put the child or adolescent in the hands of a family member or a different person who meet the conditions of suitability, if necessary, with the knowledge of the Public Ministry. The Judge will determine in the sentence the food pension with which the obligor must go. When the child or adolescent has their own property, the Judge will proceed according to the rules contained in the Civil Code.

Concordances:

CC: Arts. 340°, 426°

CHAPTER II TREND OF THE CHILD AND THE TEENAGER

Article 81.- Tenure.- When the parents are separated in fact, the Tenure of the children and adolescents are determined by mutual agreement between them and taking into account the Look of the child and the teenager. If there is no agreement, or if it is detrimental to children, the Tenure will be resolved by the specialized judge, dictating the necessary measures for their compliance.

Concordances:

CNA: Art. 160° inc. b)

CC: Arts. 340°

Article 82.- Variation of the Tenure.- If the variation of the Tenure is necessary, the Judge will order, with the advice of the multidisciplinary team, that it be carried out in progressive so as not to cause damage or disorder. Only when the circumstances warrant him for being in danger his integrity, the Judge, for reasoned decision, will order that the ruling be fulfilled immediately.

Concordances:

CC: Arts. 340°, 422°

Article 83.- Petition.- The father or mother whose spouse or cohabiting partner snatches from their child or wishes to have the right to custody and custody recognized, will file his claim Accompanying the document that identifies it, the birth certificate and the evidence relevant.

Concordances:

CNA: Arts. 150º, 153º

CC: Arts. VI, 418º, 419º, 421º

CP: Art. 147º

CPC: Art. IV

Article 84º.- Faculty of the Judge.- In case there is no agreement on the Tenure, the Judge will resolve taking into account the following:

- a) The child must remain with the parent with whom he lived the longest, provided that be favorable;
- b) The child under the age of three will remain with the mother; Y,
- c) For those who do not obtain Tenure or Custody of the child or adolescent, a Visiting schedule.

Concordances:

CC: Arts. 340º, 419º, 420º, 421º

Article 85º.- Opinion.- The specialized judge must listen to the child's opinion and take The teenager's account.

Concordances:

CNA: Arts. IV, 9th

Conv.DN: Art. 12º inc. two)

Article 86º.- Modification of resolutions.- The resolution on Tenure can be modified by duly verified circumstances. The request must be processed as A new action.

This action may be filed when six months have elapsed since the resolution originating, unless the integrity of the child or adolescent is compromised.

Concordances:

CC: Arts. 410º, 420º, 421º

CPC: Arts. 406º, 407º

Article 87.- Provisional tenure.- Provisional tenure may be requested if the child is under three years of age and his physical integrity is in danger, the Judge must resolve in the within twenty four hours.

In all other cases, the Judge will resolve taking into account the report of the Team Multidisciplinary, prior tax opinion.

This action only proceeds at the request of the father or mother who does not have the child in their custody. The request for Provisional Tenure as a precautionary measure outside the process is not appropriate.

Concordances:

CC: Arts. 422º, 470º

LOMP: Art. 96º inc. two)

VISITING SCHEDULE

Article 88.- Visits.- Parents who do not exercise parental rights have the right to visit to their children, for which they must prove with sufficient proof compliance or inability to comply with the food obligation. If any of the parents had

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deceased, is outside the place of residence or his whereabouts are unknown, may request the Visiting Regime for relatives up to the fourth degree of consanguinity of said father.

The Judge, respecting as far as possible the agreement of the parents, shall provide a Visiting System appropriate to the Principle of the Best Interest of the Child and the Adolescent and may vary from according to the circumstances, in protection of their well-being.

Concordances:

Conv.DN: Art. 9º inc. 3)

CC: Arts. 287º, 422º, 423º inc. one)

Article 89.- Visits Regime.- The father or mother who has been prevented or limited from exercising the right to visit your child may file the corresponding claim Accompanying the birth certificate that proves your entronement. If the case requires it, you can request a provisional regime.

Concordances:

CNA: Art. 161º

CC: Arts. VI, 422º, 470º

Article 90.- Extension of the Visiting Regime.- The Visiting Regime decreed by the Judge may extend to relatives until the fourth degree of consanguinity and second of affinity, as well as to non-related third parties when the Best Interest of the Child or Adolescent Justify it.

Concordances:

CC: Art. 236º

Article 91.- Failure to comply with the Visiting Regime.- Failure to comply with the Regime of Visits established judicially will lead to the constraints of the law and in case of resistance may originate the variation of the holding. The variation request must be processed as a new action before the Judge who heard about the first process.

Concordances:

CNA: Art. 181º

CHAPTER IV FOODS

Article 92º.- Definition.- Food is considered necessary for sustenance, room, dress, education, instruction and training for work, medical assistance and recreation of the Child or teenager. Also the expenses of the mother's pregnancy since conception

until the postpartum stage.

Concordances:

CC: Arts. 414°, 472°

Article 93°.- Forced to provide food.- It is the obligation of the parents to provide food to their children. In the absence of the parents or ignorance of their whereabouts, they provide food in the following order of priority:

1. Siblings of legal age;
2. The grandparents;
3. Collateral relatives until the third grade; Y,
4. Other responsible for the child or adolescent.

Concordances:

CNA: Arts. 74th inc. a), b), 98°

CC: Arts. 235°, 423° inc. 1), 474°, 475°, 478°

Article 94°.- Subsistence of the food obligation.- The food obligation of the parents continue in case of suspension or loss of parental rights.

Concordances:

CC: Art. 470°

Article 95°.- Conciliation and apportionment.- The food obligation can be prorated between those obliged if, at the Judge's discretion, those are materially prevented from fulfill said obligation individually.

In this case, the obligors can agree the apportionment through conciliation called by the responsible. This will be made known to the Judge for approval.

The apportionment action can also be initiated by the food creditors, in case of that the payment of the alimony is unenforceable.

Concordances:

CC: Art. 477°

CPC: Arts. 570°, 571°

Article 96°.- Jurisdiction.- The Justice of the Peace Lawyer is competent to hear the claim in the processes of fixation, increase, reduction, extinction or apportionment of food, without prejudice of the amount of the pension, age or proof of family ties, unless the claim food is proposed as an accessory to other claims.

The Justice of the Peace will also be competent, at the request of the plaintiff, regarding claims in where the entrenchment is accredited in an indubitable way. It is competent to know these processes in the second degree the Family Judge, in the cases that have been knowledge of the Justice of the Peace Judge and the latter in cases that have been known for the Justice of the Peace (6)

(6) Article modified by Art. 3 of Law No. 28439, published on 12/28/2004.

Concordances:

CPC :. Art. 547°

Article 97.- Impediment.- The defendant for food cannot initiate a subsequent process of Tenure, unless duly justified cause.

Concordances:

CC: Arts. 423° inc. 7), 463° inc. 3)

**CHAPTER V
GUARDIAN AND FAMILY COUNCIL**

Article 98.- Rights and duties of the guardian.- The rights and duties of the guardian are those prescribed in this Code and in current legislation.

Concordances:

CNA: Art. 74°

CC: Arts. 235°, 418°, 423°, 526°, 529°, 540°

Article 99.- Challenge of the acts of the guardian.- The adolescent may appeal to the Judge against the acts of his guardian, as well as asking for his removal.

Concordances:

CNA: Arts. IV, 9th

CC: Arts. VI, 530°, 537°, 554°, 557°, 558°, 559°

CPC: Arts. IV, 57°, 58°

Article 100.- Competent judge.- The specialized judge is competent to appoint a guardian and He is responsible for periodically supervising the fulfillment of his work.

Concordances:

CNA: Art. 136°

CC: Arts. 512°, 514°, 520° inc. 3), 555°

TUO LOPJ: Art. 53°

Article 101.- Family Council.- There will be a Family Council to ensure the person and interests of the child or adolescent who has no father or mother or who is incapacitated as provided in Article 619° of the Civil Code.

Concordances:

CC: Arts. 341°, 426°, 427°, 428°, 467°, 531°, 532°, 560°, 609°, 619° to 659°

Article 102 °.- Participation of the adolescent in the Family Council.- The adolescent Participate in Family Council meetings with the right to voice and vote. The boy will be heard with the restrictions of his age.

Concordances:

CNA: Art. 162° inc. b)

CC: Arts. 449°, 528°, 533°, 542°, 646°

Article 103.- Process.- The processing of everything related to the Family Council is governed by the provisions of Article 634 of the Civil Code and the provisions of this Code.

Concordances:

CC: Arts. 622°, 634°

**CHAPTER VI
FAMILY PLACEMENT**

Article 104.- Family Placement.- Through Family Placement the child or adolescent is welcomed by a person, family or institution that is temporarily responsible for it. This measure can be arranged by the administrative or judicial instance and can be paid or free.

In the adoption process it is applied as a measure of acclimatization and protection to the child or teenager when the place where he lives threatens his physical or mental integrity. In this Lastly, the measure is provided by PROMUDEH or the authorized institution.

Concordances:

Conv.DN: Art. 20° inc. 3)

CC: Art. 514°

Article 105.- Criteria for Family Placement.- PROMUDEH or the institutions authorized by the latter may decide the placement of the child or adolescent. For this purpose they must consider the degree of kinship and, necessarily, the relationship of affinity or affectivity with the person, family or institution that intends to take care, giving preference to those who find located in your local environment.

Concordances:

CC: Art. 236°

Article 106°.- Residence of the surrogate family.- The Family Placement will take place only in families resident in Peru, except in cases of administrative procedure of adoption of children or adolescents declared in a state of abandonment.

Article 107.- Removal of the Family Placement measure.- The child or adolescent under Family Placement may request the removal of said measure from the authority that granted it.

Concordances:

CNA: Arts. IV, 9th

CC: Arts. 554°, 557°, 558°, 559°

Article 108.- Selection, training and supervision of families.- PROMUDEH or the Authorized institutions that conduct Family Placement programs select, train and supervise the people, families or institutions that welcome children or teenagers.

Concordances:

**CHAPTER VII
LICENSE TO DISASSEMBLE OR TAX PROPERTY**

Article 109.- Authorization.- Those who administer assets of children or adolescents they need judicial authorization to tax or alienate them for justified reasons of necessity or utility in accordance with the Civil Code.

Concordances:

CC: Arts. 447°, 448°, 532°, 647° inc. 9)

Article 110°.- Evidence.- The administrator will present the Judge, together with the demand, the evidence that proves the need or utility of the contract. It will also indicate the assets that intends to alienate or encumber.

Concordances:

CPC: Arts. 192°, 193°

**CHAPTER VIII
AUTHORIZATIONS**

Article 111°.- Notarial.- For the trip of children or adolescents outside the country alone or accompanied by one of their parents, the authorization of both parents is mandatory with notarization.

In case of death of one of the parents or if the child is recognized by only one of them, the consent of the surviving parent or of the one who made the recognition will suffice, owing record in the notarial permit having the death or birth certificate in sight correspondent.

In case the trip is made within the country, the authorization of one of the parents will suffice.

Article 112.- Judicial.- It is the competence of the specialized judge to authorize the travel of children or adolescents inside the country when both parents are missing, and outside the country by absence or dissent of one of them, for which the person in charge will present the documents justifications of the petition.

In case of disagreement of one of the parents or if there is opposition to the trip, the incident to trial and within two days the judge will resolve, prior tax opinion. The opposition made by any of the parents will be registered in the Travel Opposition Book of the Specialized Courts, which expires a year.

Concordances:

CNA: Art. 162° d)

CC: Art. 419°

Article 113.- The Marriage.- The specialized Judge authorizes the marriage of adolescents, as indicated in the relevant articles of the Civil Code.

Concordances:

CC: Arts. 244° to 247°

Article 114°.- Recommendation.- Before granting the authorization, the Judge will listen to the opinion of the contracting parties and with the support of the Multidisciplinary Team will arrange the measures convenient to guarantee your rights.

Concordances:

CNA: Arts. IV, 9th

**Title II
ADOPTION**

**CHAPTER I
GENERAL DISPOSITION**

Article 115°.- Concept.- Adoption is a measure of protection for children and adolescents whereby, under the supervision of the State, the paternal relationship is irrevocably established. subsidiary among people who do not have it by nature. Consequently, the adoptee acquires the quality of son of the adopter and ceases to belong to his consanguineous family.

Concordances:

Conv.DN: Art. 21°

CC: Arts. 238°, 377°

Article 116.- Subsidiarity of adoption by foreigners.- Adoption by foreigners
It is a subsidiary of Adoption by nationals.
In the case of applications from nationals and foreigners, the application of the
Nationals

Concordances:

Conv.DN: Art. 21° inc. b)

Article 117.- Requirements.- For the Adoption of children or adolescents, it is required that have been previously declared in a state of abandonment, notwithstanding compliance with the requirements indicated in Article 378° of the Civil Code.

Concordances:

CNA: Arts. 127th, 248th

CC: Arts. 378°, 379°, 381° to 384°, 462°, 2087°

Article 118°.- Unforeseen situations.- If unforeseen circumstances occur that prevent
After completing the adoption process, the Adoption Office will adopt the appropriate measures taking into account the best interest of children and adolescents.

**CHAPTER II
PROCESS HOLDER**

Article 119°.- Holder of the process.- The Adoption Office of the Promotion Management of PROMUDEH's Children and Adolescents is the institution in charge of processing applications Adoption of children or adolescents declared in a state of abandonment, with exceptions indicated in Article 128 of this Code. His attributions are non-delegable, except as provided in the Law.

This Office has an Adoption Council consisting of six members: two appointed by PROMUDEH, one of whom will preside; one by the Ministry of Justice and one for each professional college of psychologists, lawyers and social workers. The designation of the members of the Adoption Council will be ad honórem, it will have a validity of two years and its specific functions will be indicated in the Regulation.

Concordances:

CNA: Arts. 123°, 128°

Article 120.- National Adoption Registry.- The **Adoption** Office has a registration, in which the adoptions made at national level will be registered. It must include expressly, the data of the adopters: name, nationality, domicile, marital status, foreign institution that sponsors it and the data of the child or adolescent.

CHAPTER III ADOPTION PROGRAM

Article 121.- Adoption Program.- **Adoption** Program means the set of activities aimed at providing a definitive home to a child or adolescent. Understand your reception and care, as well as the selection of potential adopters. The child or adolescent will enter an Adoption Program only with the authorization of the Adoption Office.

Article 122°.- Development of Adoption Programs.- They only develop Programs of Adoption Office of Adoptions of the Department of Promotion of Children and Adolescents PROMUDEH or public institutions duly authorized by it.

Article 123.- Procedures.- The Adoption Office and the institutions authorized for Participating in Adoption Programs are prohibited from granting any reward to parents for the delivery they make of their children to be given in Adoption and to exercise over they pressure to obtain their consent. Failure to comply with this provision, without damage to criminal actions that may take place, leads to the dismissal of the official offender or cancellation of the operating license if the act was committed by an institution authorized to carry out Adoption Programs.

Article 124°.- Guarantees for the child and the adolescent.- While remaining under his careful, the institution authorized to develop Adoption Programs will guarantee fully the rights of children or adolescents likely to be adopted. This prohibited the delivery of children or adolescents to any person or institution without complying with requirements enshrined in this Law.

Article 125.- Supervision of the Adoption Office.- The **Adoption** Office advises and permanently supervises the institutions that develop Adoption Programs.

Concordances:

CNA: Arts. 123°, 126°

Article 126.- Sanctions.- In case of breach or violation of the provisions established in this Code or its regulations issued by PROMUDEH, the Office of

Concordances:

CNA: Art. 119°

**CHAPTER IV
ADOPTION ADMINISTRATIVE PROCEDURE**

Article 127°.- Prior declaration of the state of abandonment.- Adoption of children or adolescents will only proceed once the state of abandonment is declared, except in cases provided in Article 128 of this Code.

Concordances:

CNA: Arts. 126°, 128°, 243° inc. and)

CC: Art. 462°

**CHAPTER V
JUDICIAL ADOPTION PROCESS**

Article 128.- Exceptions.- By way of exception, they may initiate legal action for adoption before the specialized judge, even without the declaration of a state of abandonment of the child or of the adolescent, the following petitioners:

a) The one who has a marital bond with the father or mother of the child or adolescent to adopt.

In this case the child or adolescent maintains the ties of parentage with the father or mother biological;

b) The one who has a kinship bond until the fourth degree of consanguinity or second of affinity with the child or adolescent for adoption; Y,

c) The one who has proposed or lived with the child or adolescent to adopt, during a period Not less than two years.

Concordances:

CNA: Arts. 104th, 127th

CC: Art. 236°, 388°, 390°, 402° inc. two)

**CHAPTER VI
SPECIAL PROVISIONS FOR INTERNATIONAL ADOPTIONS**

Article 129°.- International Adoption.- The requested Adoption is understood as International Adoption by residents abroad. These are not exempt from procedures and deadlines established in this Code.

For this type of adoption to proceed, the existence of agreements between the Peruvian State and the States of adopting foreigners or between authorized institutions

for these.
Foreigners residing in Peru with a stay of less than two years are governed by the provisions on international adoption. Foreigners residing in Peru with a Major permanence is subject to the provisions governing the Adoption for Peruvians.

Concordances:

Conv.DN: Art. 21° inc. and)

CNA: Art. 130°

CC: Arts. 378th inc. 8), 2087°

Article 130°.- Mandatory Agreements.- Foreigners not resident in Peru who They would like to adopt a Peruvian child or adolescent, and will present their Adoption request, by

means of the representatives of the centers or institutions authorized by that country to process International adoptions They will do so before the Adoption Office or public institutions duly authorized by it.

These organizations will act supported by agreements concluded between the State of Peru and the corresponding States, or among the bodies recognized by their State of origin and the Peruvian State

Concordances:

CNA: Art. 116°

**CHAPTER VII
POSTADOPTIVE STAGE**

Article 131°.- Information of national adopters.- Peruvian adopters must report on the integral development of the child or adolescent every six months and for a period three years to the Adoption Office or to the institutions duly authorized by it.

Article 132°.- Information of foreign adopters.- The **foreign** center or institution who sponsored the adopters will be responsible for the supervision of the child's condition and, in their case, of the legalization of Adoption in the country of adopters. For this purpose, it will remit periodically, in accordance with the agreements signed, the respective reports addressed to The Adoption Office.

Concordances:

CNA: Art. 119°

**FOURTH BOOK
ADMINISTRATION OF SPECIALIZED JUSTICE IN THE CHILD AND THE ADOLESCENT**

**TITLE I
JURISDICTION AND COMPETITION**

Article 133.- Jurisdiction.- The jurisdictional power of the State in family matters is exercised

by the Family Rooms the Family Courts and the Magistrates Courts in the matters determined by law. In Cassation the Supreme Court will decide.

Family Courts assume competence in civil, guardianship and infringement matters and they divide into such specializations, provided they exist as Specialized Courts.

Concordances:

CPC: Art. 1

TUO LOPJ: Arts. 1st, 40th inc. 1), 6), 46º 5)

Article 134º.- Family Rooms.- Family Rooms know:

- a) In degree of appeal, the processes resolved by the Family Courts;
- b) Of the contests of competition promoted between Family Courts of the same district judicial and between these and other courts of different specialty of their territorial jurisdiction;
- c) Of the complaints of right for refusal of the appeal; Y,
- d) Of the other matters indicated by the law.

Concordances:

TUO LOPJ: 40º inc. 1), 6)

Article 135.- Competition.- The competence of the specialized judge is determined:

- a) For the domicile of the parents or guardians;
- b) By the place where the child or adolescent is when parents or guardians are missing;

Y,

- c) By the place where the offending act was committed or by the domicile of the offending adolescent, of Your parents or guardians.

The law establishes competence in matters of civil and guardianship content. In the cases of connection, competence in matters of criminal content will be determined in accordance with the rules contained in the Code of Criminal Procedures.

Concordances:

CPC: Arts. 6th, 7th, 8th, 14th, 15th, 16th, 21st, 23rd, 24th inc. 3), 25th, 26th, 28th, 29th, 30th, 3rd 32nd, 35th to 46th

CHAPTER I FAMILY JUDGE

Article 136.- Director of the process.- The Judge is the Director of the process; as such, you it corresponds the conduction, organization and development of due process. The Judge teaches Orders to the Judicial Police for the summons, appearance or detention of persons. The Multidisciplinary Team services of the medical-legal office, the Police and any other institution for the clarification of the facts support the jurisdictional work.

Concordances:

CPC: Arts. I, II, IV to VII, 50º

TUO LOPJ: Arts. 5th, 7th, 184th inc. 1) to 6), 10) to 13)

Article 137.- Attributions of the Judge.- It corresponds to the Family Judge:

- a) Resolve the processes in matters of civil, guardianship and infringement matters, in which

intervenes according to its competence;

- b) Make use of precautionary and coercive measures during the process and in its stage of execution, requiring police support if necessary;
- c) Provide socio-educational and protective measures in favor of the child or adolescent, according to be the case;
- d) Forward to the Registry of the Offender Adolescent of the Superior Court, seat of the Court, a copy of the resolution provided by the socio-educational measure;
- e) Apply sanctions on violations of the rights of children and adolescents. The sanction may be up to ten Procedural Reference Units; Y,
- f) Fulfill the other functions indicated in this Code and other laws.

The Judge is empowered to fix the food pension, within the same process, in cases of litigations by Patria Power, Tenure and Visits Regime.

Concordances:

CNA: Arts. 159°, 213°, 217°, 228°, 243°

CPC: Arts. 51°, 52, 53°

TUO LOPJ: Art. 53°

CHAPTER II FAMILY TAX

Article 138°.- Scope.- The Prosecutor has the primary function of ensuring respect for the rights and guarantees of the child and adolescent, promoting ex officio or at the request of the corresponding legal, judicial or extrajudicial actions.

Concordances:

LOMP: Arts. 1st, 3rd, 8th, 11th, 95th inc. one)

Article 139°.- Ownership.- The Public Ministry is the owner of the action and as such has the burden of proof in the processes to the offending adolescent. In this case you can request the

Police support.

Concordances:

LOMP: Arts. 3rd, 9th, 11th, 14th, 95th inc. one)

Article 140°.- Scope of Competition.- The scope of territorial jurisdiction of the Prosecutor is determined by which corresponds to the respective Courts and Family Rooms. Their functions are governed by the provisions of this Code, its Organic Law and by laws special.

Concordances:

CNA: Art. 135°, 144°

CPC: Art. 113°

LOMP: Arts. 1st, 3rd, 5th, 9th, 11th, 14th, 89th, 95th, 96th

Article 141°.- Opinion.- The Opinion, in the cases that it proceeds, is based later of the evidence and before the judgment is issued. The orders you make must

Be motivated and presented in a single opportunity.

Concordances:

CPC: Art. 114º, 116º

LOMP: Art. 85º inc. 2), 89º inc. a), 91º inc. 11), 95th inc. 7), 96th inc. two)

Article 142º.- Nullity.- The lack of intervention of the Prosecutor in the cases provided by law entails nullity, which will be declared ex officio or at the request of a party.

Concordances:

LOMP: Arts. 1st, 14th,

Article 143.- Free access.- The Prosecutor, in the exercise of his powers, has free access to any place where the violation of the rights of the child or adolescent is presumed.

Concordances:

LOMP: Arts. 1st, 3rd, 5th, 6th, 8th, 9th, 10th, 70th, 75th, 95th inc. 8)

Article 144º.- Competition.- The Prosecutor is responsible:

- a) Grant the Referral as a form of exclusion from the process;
- b) Intervene, ex officio and from the initial stage, in all kinds of police procedures and judicial protection and protection of the rights of children and adolescents.

Its presence before the Police is obligatory in the declarations that are acted in cases of sexual violence against children or adolescents, under penalty of nullity and responsibility functional. In the latter case, it will order the clinical and psychological evaluation of the victim by specialized professional staff and, once said evaluation is completed, it will send to the Provincial Prosecutor Criminal on duty a report, the minutes containing the interrogation of the victim and the results of the evaluation.

During the victim's statement, either the parent or the person who participates can participate have the minor under his guardianship, as long as they were not reported. If the parents or the person who has under his guardianship the minor could not participate, may designate a person to represent them;

- c) Promote procedures related to infractions attributed to adolescents. In

In this case, it is the responsibility of the Prosecutor to investigate their participation in order to request the socio-educational measure necessary for its rehabilitation;

- d) Promote food actions, if applicable, in accordance with the provisions herein.

Code and procedural rules of the matter;

- e) Promote civil or administrative action for the protection of diffuse interests or groups of children and adolescents provided for in this Code;

- f) Inspect and visit public and private entities, community organizations and grassroots social organizations responsible for providing comprehensive care to children and adolescents and

verify the fulfillment of its purposes;

- g) Request the support of the public force, as well as the collaboration of medical services, educational and public and private assistance, in the exercise of their functions;

- h) Establish procedures in which you can:

- Order notifications to request declarations for due clarification of acts. In the event of the failure of the notified party, it may be required through the

intervention of the police authority;
Request from the authorities all kinds of information, expertise and documents that contribute to the clarification of the fact investigated;

- Request information and documents from private institutions, for the same purpose; Y,

i) The other powers indicated by the Law.

j) Act as Conciliator of the conflict in family matters, to foster agreements between parties and achieve a consensual solution to the conflict, provided it has not been initiated Judicial process. You may not promote agreements on rights not available, inalienable or on matters that have criminal connotation. (7)

(7) *Item added by Art. 2 of Law No. 28494, published on 04/14/2005.*

Concordances:

CNA: Arts. 143°, 180°, 200°, 203°, 206°, 223°, 228°

CPC: Arts. IV, 82°, 561° inc. 6)

LOMP: Arts. 1st, 3rd, 9th, 10th, 66th, 94th, 95th, 96th

Article 145.- Birth registration.- If during the process it is verified that the child or The adolescent has no birth certificate, it is up to the Specialized Prosecutor to request supplementary registration before the Justice of the Peace Lawyer of your domicile, in accordance with the relevant legal regulations. In such cases, the judicial procedure is free. That inscription only proves the birth and name. The nature and effects of the affiliation are they govern by the norms of the Civil Code.

Concordances:

CC: Arts. 23rd, 70th, 72nd, 73rd

CPC: Arts. 750°, 825°, 826°

LOMP: Arts. 1st, 3rd

CHAPTER III DEFENSE ATTORNEY

Article 146.- Legal Lawyers.- The State, through the Ministry of Justice, designates the number of ex officio lawyers who will be responsible for providing comprehensive and free legal assistance to children or adolescents who need it. In cases of sexual violence against children and adolescents, free legal assistance to the offender and his family is mandatory.

Concordances:

CNA: Arts. IV and VI

TUO LOPJ: Arts. 288th inc. 12), 295°, 298°

Article 147°.- Beneficiaries.- The child, the adolescent, their parents or guardians or any person who has an interest or knowledge of the violation of the rights of children and adolescents, they can go to the lawyer ex officio to advise him in the legal actions that he must follow.

Concordances:

TUO LOPJ: Arts. 293°, 298°

Article 148°.- Absence.- No adolescent to whom an infraction is attributed must be processed without legal advice. The absence of the defender does not postpone any act of

process, the judge must, in case of absence, provisionally appoint a substitute among the ex officio lawyers or practicing lawyers.

CHAPTER IV AUXILIARY ORGANS

SECTION I MULTIDISCIPLINARY TEAM

Article 149.- Conformation.- The Multidisciplinary Team will be made up of doctors, Psychologists and social workers. Each Superior Court of Justice will appoint professionals of each area, those who will perform their duties in a mandatory manner in each Court that exercises competition in children and adolescents.

Article 150.- Attributions.- The powers of the Multidisciplinary Team are:

- a) Issue the reports requested by the Judge or the Prosecutor;
- b) Follow up on the measures and issue a technical opinion, for the purposes of the evaluation corresponding, as well as the recommendations for taking the relevant measures; Y,
- c) The others indicated in this Code.

Concordances:

CNA: Art. 136°

TUO LOPJ: Art. 275°

SECTION II SPECIALIZED POLICE

Article 151°.- Definition.- The specialized Police is in charge of assisting and collaborating with the competent agencies of the State in the education, prevention and protection of the child and the Teen.

Article 152°.- Organization.- The specialized Police is organized at national level and coordinates its actions with PROMUDEH and with duly authorized institutions.

Concordances:

LOMP: Art. 9°

Article 153°.- Requirements.- The specialized Police personnel, in addition to the requirements established in their respective standards, you must:

- a) Have training in the disciplines of child and adolescent law and in law of family;
- b) Have an impeccable conduct; Y,
- c) Not have a judicial or disciplinary background.

Article 154.- Training.- The National Police coordinates with PROMUDEH and with the Family welfare institutions duly authorized by the latter, staff training that will perform the functions of the specialized police.

Article 155.- Functions.- The functions of the specialized Police are:

- a) Ensure compliance with the rules for the protection of children and adolescents that they impart the institutions of the State and for the execution of the judicial resolutions;
- b) Develop, in coordination with other entities, educational and recreational activities aimed at achieving the integral formation of children and adolescents;
- c) Control and prevent the entry and permanence of children and adolescents in public places or private persons that attempt against their physical or moral integrity;

- d) Prevent the possession or commercialization of writings, audiovisuals, images, material pornographic and other publications that may affect the training of children or adolescents;
- e) Monitor the movement of children or adolescents inside and outside the country, especially in airports and transport terminals;
- f) Support with education and recreation programs the institutions in charge of surveillance of offending adolescents;
- g) When circumstances require it, take care of the surveillance of adolescents offenders in specialized centers;
- h) The others that correspond to it in accordance with this Code, its Organic Law and the other standards

SECTION III JUSTICE SUPPORT POLICE

Article 156.- Definition.- The Police in support of justice in matters of children and of adolescents is responsible for making notifications by mandate of the judicial authority and of the competent Prosecutor and of collaborating with the measures dictated by the Judge.

Concordances:

CNA: Art. 136°

TUO LOPJ: Art. 281°

Article 157°.- Functions.- The functions are:

- a) Investigate cases of breach of family assistance duties;
- b) Carry out the investigations requested by judicial mandate;
- c) Execute orders for appearance, driving and detention of adults issued by the Judge and Family Rooms, as well as making judicial notifications; Y,
- d) Collaborate with the Judge in the execution of its resolutions.

Concordances:

TUO LOPJ: Arts. 282°, 283°

SECTION IV LEGAL AND ADOLESCENT LEGAL MEDICAL SERVICE

Article 158°.- Definition.- In the Institute of Legal Medicine there is a special service and free for children and teenagers, properly conditioned, in a different place from the Adults.

The professional, technical and auxiliary personnel that provide care in this service will be properly trained

Concordances:

CNA: Art. 136°

SECTION V

REGISTRATION OF THE INFRINGING ADOLESCENT

Article 159°.- Definition.- In a special register in charge of the Superior Court, on a confidential basis, the socio-educational measures that are imposed by the Judge at teenage offender They shall be recorded in said register:

- a) The name of the offending adolescent, his parents or guardians;
- b) The name of the victim;
- c) The act of infringement and the date of its commission;
- d) The socio-educational measures imposed with indication of the date; Y,

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- e) The name of the Court, Secretary and file number.

Concordances:

CNA: Art. 137° inc. c)

Title II PROCEDURAL ACTIVITY

CHAPTER I CIVIL CONTENT MATTERS

Article 160.- Processes.- The knowledge of the processes corresponds to the specialized Judge following:

- a) Suspension, loss or restitution of parental rights;
- b) Tenure;
- c) Visits Regime;
- d) Adoption;
- e) Food; Y,
- f) Protection of diffuse and individual interests that concern children and adolescents.

Concordances:

CNA: Arts. 74°, 130°, 180°

CC: Arts. 422°, 461°, 462°, 463°, 471°, 472°, 502°

TUO LOPJ: Arts. 49th inc. 1), 57th inc. 4)

Article 161 - Process SINGLE.- The specialized court to resolve, taking into account the provisions of the Single Process established in Chapter II of Title II of the Fourth Book of the present Code and, in supplementary form, the norms of the Civil Procedure Code.

Concordances:

CNA: Art. 164°

CPC: Arts. 546th inc. 1), 548°, 550° to 572°

Article 162°.- Non-contentious processes.- It is up to the specialized Judge to resolve the following non-contentious processes:

- a) Guardianship;
- b) Family Council;
- c) License to dispose of or enforce their assets;

- d) Authorizations; Y,
- e) The others indicated by the law.

Article 163°.- Other non-contentious processes.- Non-contentious processes that do not have special procedure contemplated in this Code are governed by the rules of the Code Civil procedure.

Concordances:

CPC: Arts. 751° to 762°

CHAPTER II UNIQUE PROCESS

Article 164°.- Postulation of the Process.- The demand is presented in writing and will contain the requirements and annexes established in articles 424° and 425° of the Civil Procedure Code. It is not The competition of lawyers for food cases is required. For your presentation you have in account the provisions of the Fourth Section of the First Book of the Civil Procedure Code. (8) (8) *Article modified by Art. 3 of Law No. 28439, published on 12/28/2004.*

Concordances:

CPC: Arts. 424° to 474°

TUO LOPJ: Art. 6

Article 165°.- Inadmissibility or inadmissibility.- Once the claim is received, the Judge qualifies it and may declare its inadmissibility or impropriety in accordance with the provisions of the Articles 426° and 427° of the Civil Procedure Code.

Concordances:

CPC: Arts. 424°, 425°, 426°, 427°

Article 166°.- Modification and extension of the demand.- The plaintiff can modify and Expand your claim before it is notified.

Concordances:

CPC: Art. 428°

Article 167°.- Provisory means extemporaneous.- After filing the lawsuit, only the evidence of a later date, those referring to new facts and those indicated by the other party in their response to the claim.

Concordances:

CPC: Arts. 189°, 429°

Article 168°.- Transfer of the claim.- Once the claim is **accepted** , the Judge will consider the evidentiary means and will be transferred from her to the defendant, with the knowledge of the Prosecutor, by the five-day peremptory term for the respondent to answer.

Agreement:
CPC: Art. 430°

Article 169°.- Cross out or oppositions.- The strikeouts or oppositions that are formulated must be accredited with evidence and act during the single hearing.

Concordances:

CPC: Arts. 300° to 304°, 553°

Article 170°.- Hearing.- The demand is answered or the term has elapsed for its answer, the Judge will set an inaccessible date for the hearing. This must be done, under responsibility, within ten days of receiving the claim, with the intervention of Fiscal.

Concordances:

CPC .: Art. 554°

TUOLOPJ: Art. 184° inc. 7)

Article 171°.- Action.- Once the hearing has begun, strikeouts, exceptions or previous defenses that will be acquitted by the plaintiff. Next, the evidence will be taken. No counterclaim will be accepted. Concluded its action, if the Judge finds the exceptions or previous defenses unfounded, he will declare sanitized the process and then invoke the parties to resolve the situation of the child or conciliatory teenager.

If there is conciliation and it does not injure the interests of the child or adolescent, it will be left certificate of record This will have the same sentence effect.

If during the single hearing the defendant accepts paternity, the Judge shall consider Recognized the son. For this purpose it will send to the corresponding Municipality, certified copy of the respective judicial piece, ordering the registration of the recognition in the game

corresponding, notwithstanding the continuation of the process.

If the defendant does not attend the single hearing, despite having been summoned validly, the Judge must sentence in the same act based on the evidence taken. (9)

(9) Article modified by Art. 3 of Law No. 28439, published on 12/28/2004

Concordances:

CPC: Arts. 202°, 300° to 304°, 442°, 446° to 457°, 465° to 470°, 555°, 559° inc. one)

TUO LOPJ: Arts. 184° 5)

Article 172°.- Continuation of the hearing of tests.- If it could not be concluded performance of the tests at the hearing, will be continued in the following days, without exceeding three days, at the same time and without the need for new notification.

Article 173.- Approval Resolution.- In the absence of conciliation and, if produced, at the discretion Judge will affect the interests of the child or adolescent, he will fix the controversial points and will determine those that will be subject of proof.

The Judge may reject those tests that he considers inadmissible, impertinent or useless and will arrange the action of the questions that arise on this decision, resolving them in the act. You should also listen to the child or adolescent.

Acting the evidence, the parties have five minutes for it audience orally express their allegations.

Once the allegations have been granted, if any, the Judge will send the records to the Prosecutor so that in the forty-eight hour term issue an opinion. The cars returned, the judge, in the same term, will issue a ruling on all the controversial points.

Concordances:

CPC: Arts. 202° to 212°, 471°, 472°, 555°

Article 174°.- Acting ex officio evidence.- The Judge may, in an unappealable decision, in any state of the process, order ex officio the performance of the tests you consider necessary, by duly substantiated resolution.

Concordances:

CPC: Arts. II, 194°

TUO LOPJ: Art. 5th

Article 175°.- Technical team, social report and psychological evaluation.- After Once the claim is answered, the Judge, to better resolve, may request a report from the technical team social with respect to the parties involved and a psychological evaluation if considered necessary. Those responsible for carrying out the social report and psychological evaluation must Evacuate your report within the third day, under responsibility.

Concordances:

CNA: Art. 149°

CPC: Arts. II

Article 176°.- Precautionary measures.- Precautionary measures in favor of children and adolescents are governed by the provisions of this Code and the Fourth Title of the Fifth Section of the First Book of the Civil Procedure Code.

Concordances:

CPC: Arts. 608° to 687°

Article 177°.- Temporary measures.- In duly substantiated resolution, the Judge will dictate the necessary measures to protect the right of the child and the adolescent. The Judge will adopt the necessary measures for the immediate cessation of acts that produce physical or psychological violence, intimidation or persecution of the child or adolescent.

The Judge is empowered in these cases even to arrange the search of the domicile.

Concordances:

CPC: Arts. II

Article 178.- Appeal.- The Resolution that declares the claim inadmissible or inadmissible and the sentence is appealable with suspensive effect, within three days of being notified. The decisions taken by the Judge during the hearing are appealable, without suspensive effect. and have the quality of deferred.

Concordances:

CPC: Arts. 364° to 373°, 556°

TUOLOPJ: Art. 11°

Article 179°.- Processing of the appeal with suspensive effect.- Once the appeal is granted, the jurisdictional assistant, under responsibility, will send the file to the Family Room within the second day of granting the appeal and accession where appropriate.

Once the records have been received, the Chamber will forward them to the Prosecutor in the day to issue an opinion within the term forty-eight hours and will indicate, within the next five days, the date for the hearing of the cause

Only exceptionally may the parties allege new events that occurred after the postulatory The Chamber will decide within three days following the hearing of the case.

Concordances:

CNA: Art. 178°

CPC: Arts. 373°, 375°, 376°, 377°, 558°, 559° inc. 3)

Article 180°.- Protection of individual, diffuse and collective interests.- Actions for the defense of the rights of children and adolescents that are diffuse, whether individual or collective, they are processed by the rules established in this Chapter. They can demand action to protect these rights the parents, the responsible ones, the Public Ministry, the Ombudsman, Professional Colleges, Educational Centers, Municipalities, Regional Governments and associations whose purpose is their protection.

Concordances:

CPC: Arts. IV, 82°

Article 181°.- Perceptions.- For due compliance with its resolutions, the Judge You can impose the following warnings:

- a) Fine of up to five units of procedural reference to the party, authority, official or person;
- b) Search of the place; Y,
- c) Detention for up to twenty-four hours to those who resist his mandate, without prejudice to the criminal action where applicable.

Concordances:

CPC: Arts. 50th inc. 5), 52° inc. 2) and 3), 53°, 420° to 423°

TUO LOPJ: Art. 5th

Article 182.- Supplementary regulation.- All issues related to the processes in civil content matters involving children and adolescents, contemplated in the This Code shall be governed by the provisions of the Civil Code and the Code Civil procedure.

**CHAPTER III
ADOLESCENT INFRACTOR OF THE CRIMINAL LAW**

Section I

Generalities

Article 183°.- Definition.- The one whose responsibility has been considered an offending adolescent been determined as the author or participant of a punishable act classified as a crime or offense in the penal law.

Concordances:

Conv.DN: Art. 40° inc. 3)

CNA: Arts. 137th inc. c), 193°, 194°

CP: Arts. 11th, 23rd to 26th

Article 184°.- Measures.- The child under twelve years of age who violates the criminal law will be liable to protective measures provided for in this Code.

Concordances:

CNA: Art. 243°

Section II Individual rights

Article 185.- Detention.- No adolescent should be deprived of his freedom except by Written and motivated mandate of the Judge, except in the case of flagrant criminal offense, in which The competent authority may intervene.

Concordances:

CNA: Arts. 5th, 17th

Conv.DN: Art. 37° inc. b)

Article 186°.- Challenge.- The adolescent can challenge the order that has deprived him of his freedom and exercise the action of Habeas Corpus before the specialized Judge.

Concordances:

Conv.DN: Art. 37° inc. d)

CNA: arts IV, X

TUO LOPJ: Art. 11°

Article 187°.- Information.- The deprivation of the freedom of the adolescent and the place where are detained will be communicated to the Judge, the Prosecutor and their parents or guardians, who they will be informed in writing of the causes or reasons for their detention, as well as the rights that assist you and the identification of those responsible for your detention. In no case will it be deprived of the right of defense.

Concordances:

Conv.DN: Art. 40° inc. 2) lit. b)

Article 188°.- Separation.- Adolescents deprived of their liberty will remain separated of detained adults.

Concordances:

Conv.DN: Art. 37° inc. c)

CNA: Arts. 200°, 211°, 237°

Section III Process guarantees

Article 189°.- Principle of Legality.- No adolescent may be prosecuted or sanctioned by act or omission that at the time of committing is not previously qualified in the

criminal laws expressly and unequivocally as a punishable offense, or sanctioned with socio-educational measure that is not provided for in this Code.

Concordances:

Conv.DN: Art. 40^o inc. 2) lit. to)

CP: Art. II

LOMP: Art. 10^o

Article 190^o.- Principle of confidentiality and reserve of the process.- The data on the facts committed by the offending adolescents undergoing proceedings. Throughout The right to the image and identity of the adolescent must be respected. The procedure Judicial offending adolescents is reserved. Also, the information provided as Statistics should not contravene the Principle of Confidentiality or the right to privacy.

Concordances:

CNA: Art. 159^o

Article 191^o.- Rehabilitation.- The juvenile offender's Justice System is oriented to its rehabilitation and direct it to your well-being. The measure taken in this regard should not only be based on the examination of the seriousness of the fact, but also on personal circumstances that surround him.

Concordances:

Conv.DN: Arts. 40th inc. 1), 4)

CP: Arts. IX, 15th, 20th inc. 1), 4), 5), 6) and 7)

Article 192^o.- Guarantees.- In judicial proceedings that follow the offending adolescent, will respect the guarantees of the Administration of Justice enshrined in the Political Constitution of Peru, the Convention on the Rights of the Child, this Code and the laws in force on the subject

Concordances:

Conv.DN: Art. 40^o inc. 2) lit. b)

CHAPTER IV PERNICIOUS PANDILLAJE

Article 193^o.- Definition.- The group of older adolescents is considered pernicious gang 12 (twelve) years and under 18 (eighteen) years of age who meet and act to assault third parties, injure physical integrity or threaten people's lives, damage public or private goods or cause excesses that alter the internal order.

Concordances:

CNA: Arts. 137th inc. c), 185^o, 196^o

Article 194^o.- Infraction.- To the adolescent who, integrating a pernicious gang, injures the physical integrity of persons, committing rape of minors or damaging property public or private, using firearms, white weapons, flammable material, explosives or blunt objects, or under the influence of alcoholic beverages or drugs, the socio-educational internment measure not older than 3 (three) years.

Concordances:

CNA: Arts. 137th inc. c), 185º

Article 195º.- Aggravated infraction.- If as a consequence of the actions referred to in the previous article the death will be caused or serious injuries would be infringed, the socio-educational measure will be not less than three or greater than six years for the author, author

mediate or co-author of the fact.

Article 196º.- Measures for the ringleaders.- If the adolescent belongs to a gang pernicious as a leader, leader or boss, the socio-educational measure of hospitalization not less than two nor more than four years.

Concordances:

CNA: Art. 193º

Article 197º.- Compliance with measures.- The adolescent who during the fulfillment of the socio-educational admission measure reach the age of majority will be transferred to environments specials of a primary penitentiary establishment in charge of the National Institute Prison to complete the treatment.

Article 198º.- Responsibility of parents or guardians.- Parents, guardians, guardians or who exercise custody of adolescents that are liable to the measures to which refer the previous articles will be jointly liable for damages occasioned

Article 199.- Benefits.- The adolescent who is subject to judicial investigation, or that he is complying with a socio-educational internment measure, which provides the Judge truthful and timely information that drives or allows identification and location of leaders of pernicious gangs, you will have the right to benefit from the reduction benefit of up to a fifty percent of the socio-educational measure that corresponds to it.

CHAPTER V RESEARCH AND JUDGMENT

Article 200.- Detention.- The adolescent may only be detained by judicial order or apprehended in flagrant infraction, in which case he will be taken to a special section of the National Police. All proceedings will be carried out with the intervention of the Prosecutor and his defender.

Concordances:

Conv.DN: Arts. 37th inc. b), 40º inc. 1), 2)

CNA: Arts. 5th, 185th

LOMP: Art. 10º

Article 201º.- Custody.- The Police may entrust the custody of the adolescent to his parents or liable when the facts are not serious, their address and their address have been verified Parents or guardians agree to take it to the Prosecutor when they are notified.

Concordances:
LOMP: Arts. 1st, 3rd, 10th, 11th

Article 202°.- Driving before the Prosecutor.- If there has been violence or serious threat to the person aggrieved in the commission of the infraction or the parents would not have been, the Police will lead the offending teenager to the Prosecutor within twenty-four hours, Accompanying the Police Report.

Concordances:
LOMP: Arts. 1st, 3rd, 10th, 11th

Article 203°.- Statement.- The Prosecutor, in the presence of the parents or guardians, if they are had, and of the Defender, will proceed to take his statement to the offending adolescent, as well as to the already injured the witnesses, if applicable.

Concordances:

Conv.DN: Arts. 40 inc. 2), lit. b)
CNA: Arts. 144th inc. c), 159°
LOMP: Art. 10th, 94th inc. 1), 2)

Article 204.- Attributions of the Prosecutor.- In merit of the proceedings indicated, the Prosecutor may:

- a) Request the opening of the process;
- b) Arrange the Referral; Y,
- c) Order the archiving, if it considers that the fact does not constitute an infraction.

Concordances:
CNA: Arts. 144th inc. a), 206°, 207°, 227°
LOMP: Art. 94° inc. 2), 95th inc. 1), 3), 10)

Article 205.- Appeal.- The complainant or **grievant** may appeal to the Superior Prosecutor of the Resolution of the Prosecutor that provides the Referral or the archiving, within the term of three days.

If the Superior Prosecutor declares the appeal founded, he will order the Prosecutor to formulate the complaint.

There is no appeal against the Superior Prosecutor's Resolution.

Article 206.- Remission.- The Prosecutor may order the Remission in the case of a violation of the criminal law that does not deal with gravity and the adolescent and his parents or guardians commit to follow guidance programs supervised by PROMUDEH or the institutions authorized by the latter and, if applicable, will seek compensation for the damage to whom I would have been harmed. (9a)

(9a) Approved the Regulation regarding the functions of the MIMDES (formerly PROMUDEH) by the Art. 1 of DS N° 008-2006-MIMDES, published on 07/28/2006.

Concordances:
Conv.DN: Art. 40° inc. 3) lit. b)
CNA: Arts. 144th inc. a), 204° inc. b), 223° to 228°
LOMP: Art. 95° inc. 3)

Article 207.- Complaint.- The prosecutor's complaint must contain a brief summary of the facts, accompanying the revealing evidence of the existence of the infraction by the Teen and the basics of law. Likewise, the Prosecutor must request the proceedings that They must act.

Concordances:

LOMP: Arts. 11th, 94th inc. 2), 95th inc. one)

Article 208.- Resolution.- The Judge, based on the complaint, will issue the reasoned resolution declaring the action promoted and will provide that the adolescent's statement be taken in Presence of your lawyer and the Prosecutor determining your procedural status, which may be: delivery to their parents or guardians or preventive detention. In the latter case, the order It will be communicated to the Superior Room.

Concordances:

TUOLOPJ: Art. 12°

LOMP: Arts. 1st, 9th, 10th, 14th

Article 209.- Preventive internment.- Preventive internment, duly motivated, It can only be decreed when they exist:

- a) Enough evidence that links the adolescent as author or participant of the commission of the offending act;
- b) Reasonable risk that the adolescent will avoid the process; Y,
- c) Founded fear of destruction or obstruction of evidence.

Article 210.- Appeal to the preventive detention mandate.- Against the mandate of preventive detention proceeds appeal. This is granted in only one effect, forming the corresponding notebook, which must be elevated by the Judge within the twenty-four hours after filing the challenge, under responsibility. The Chamber will decide on the same term, without the need for a Fiscal View.

Article 211.- Internment.- The preventive internment will be fulfilled in the Observation Center and Diagnosis of the Judiciary, where a Multidisciplinary Team will evaluate the situation of the Teen. The State guarantees the safety of the adolescent offender in their establishments

Concordances:

Conv.DN: Art. 37° inc. b)

CNA: Art. 177°

Article 212.- Diligence.- The resolution declaring the action promoted will indicate day and time for the sole diligence of clarifying the facts, which will be carried out within the term of thirty days, with the presence of the Prosecutor and the lawyer. In it the declaration of the injured parties, the evidence admitted and those arising in the diligence, the allegation of the lawyer of the aggrieved party, the defense lawyer's plea and his self-defense. The tests will be offered up to five business days before the due diligence.

Concordances:

LOMP: Arts. 1st, 14th, 94th inc. 4)

Article 213^o.- Second date.- If the adolescent, after having been duly notified, does not appear to the diligence without justification, the Judge sets new date within the term of five days. Failure to attend a second time, the judge will order the driving of the teenager by the National Police.

Article 214^o.- Resolution.- Once the procedure has been carried out, the Judge will send the Prosecutor for the term of two days the cars so that it emits opinion in which it exposes the facts that it considers proven in the trial, the legal qualification, the responsibility of the adolescent and request the application of the socio-educational measure necessary for its social reintegration. Issued this one, the Judge in the same term will issue sentence.

Concordances:

LOMP: Arts. 91st inc. 11), 95th inc. 7)

Article 215^o.- Fundamentals.- The Judge when issuing sentence shall take into account:

- a) The existence of the damage caused;
- b) The seriousness of the facts;
- c) The degree of responsibility of the adolescent; Y,
- d) The Multidisciplinary Team report and the social report.

Article 216^o.- Content.- The sentence shall establish:

- a) The presentation of the facts;
- b) The fundamentals of law deemed appropriate to the classification of the offending act;
- c) The socio-educational measure that is imposed; Y,
- d) Civil reparation.

Article 217^o.- Measures.- The Judge may apply the following socio-educational measures:

- a) Warning;
- b) Provision of services to the community;
- c) Assisted freedom;
- d) Restricted freedom; Y,
- e) Internment in establishment for treatment.

Concordances:

CNA: Arts. IV, 227^o

Article 218^o.- Absolution.- The Judge will issue an acquittal when:

- a) The adolescent's participation in the offending act is not fully proven; Y,
- b) The facts do not constitute a violation of the criminal law. If the teenager were internal, will order his immediate release and will be handed over to his parents or guardians or, in the absence of these, to a Defense Institution.

Article 219^o.- Appeal.- The sentence will be notified to the adolescent, his parents or responsible, to the lawyer, to the aggrieved party and to the Prosecutor, who can appeal in the term

three days, unless the socio-educational admission measure is imposed on the adolescent, the which will be read to you

In no case may the appealed Judgment be amended to the detriment of the appellant. The part aggrieved may only appeal civil reparation or acquittal.

Once the appeal is admitted, the Judge will raise the records within twenty-four hours counted since the grant of the resource.

The appeal does not suspend the execution of the decreed measure.

Article 220°.- Referral to the Superior Prosecutor.- Within twenty-four hours of receiving the file, this will be sent to the Superior Prosecutor's Office for its holder to issue an opinion in the forty-eight hour term. Once the cars are returned, the day and time will be indicated for the view of the cause within five days. The sentence will be issued within two days following.

Notified the date of the hearing, the lawyer who wishes to inform will request it in writing, having for accepted by the mere fact of its presentation. Postponement is not allowed.

The audience is reserved.

Article 221°.- Term.- The minimum and non-extendable term for the conclusion of the procedure, being the internal adolescent, it will be fifty days and, as said, seventy days.

Article 222°.- Prescription.- The judicial action prescribes two years after the act was committed. offender. In the case of a fault indicated in the Penal Code, it prescribes at six months. The term of prescription of the socio-educational measure is two years, counted from the day in That the sentence was final.

The stubborn or absent teenager will be subject to the norms contained in the system criminal proceedings

Concordances:

CP: Art. 80°

CPP: Art. 319°

CHAPTER VI PROCESS REMISSION

Article 223°.- Concept.- The Remission consists in the separation of the teenage offender from the judicial process in order to eliminate the negative effects of said process.

Concordances:

Conv.DN: Art. 40° inc. 3) lit. b)

CNA: Art. IX

Article 224°.- Acceptance.- The acceptance of the Remission does not imply the recognition of the infraction attributed to him or generated background.

Article 225.- Requirements.- When the Remission is granted, it should be borne in mind that the non-seriousness of the offense, as well as the background of the adolescent and his family environment.

Article 226°.- Orientation of the adolescent who obtains the Remission.- To the adolescent who is separated from the process by the Referral, the corresponding socio-educational measure will be applied, with the exception of hospitalization.

Article 227°.- Consent.- The activities carried out by the adolescent as consequence of the referral of the process must have their consent, that of their parents or guardians and must agree with their age, their development and their potentialities

Article 228°.- Concession of the Remission by the Prosecutor, the Judge and the Chamber.- Before beginning the judicial procedure, the Prosecutor may grant the Referral as a form of exclusion from the process. Initiated the procedure, and at any stage, the Judge or the Chamber may grant the Remission, importing in this case the extinction of the process.

Concordances:

CNA: Arts. 134th, 137th inc. a), 144° inc. a), 204° inc. b), 206°, 220°

LOMP: Art. 92° inc. 2), 95th inc. 10)

CHAPTER VII SOCIO-EDUCATIONAL MEASURES

Article 229°.- Measures.- The socio-educational measures are aimed at the rehabilitation of teenage offender

Concordances:

Conv.DN: Art. 40° inc. 4)

Article 230°.- Consideration.- The Judge, when indicating the measure, will take into account the capacity of the teenager to fulfill it. In no case will the provision of forced labor be applied.

Article 231°.- Reprimand.- The reprimand consists in the recrimination to the adolescent and to their parents or guardians.

Concordances:

CNA: Art. 217th a)

Article 232°.- Provision of Services to the Community.- The Provision of Services to the Community consists of the accomplishment of tasks according to the aptitude of the adolescent without harm your health, schooling or work, for a maximum period of six months; supervised by technical personnel of the Operations Management of Juvenile Centers of the Judiciary in coordination with local governments. **(10)**

(10) Article regulated by R. Adm. No. 267-2000-PJ / SE-TP-CME, (Regulations for the provision of community services for teenagers offenders), published on 12/08/2000.

Concordances:

CNA: Art. 217° inc. b)

Article 233°.- Assisted Freedom.- Assisted Freedom consists of the appointment by the Operations Management of Juvenile Centers of the Judiciary of a tutor for guidance, supervision and promotion of the adolescent and his family, having to present periodic reports. This measure will be applied for a maximum period of eight months.

Concordances:

CNA .: Art. 217° inc. c)

Article 234°.- Restricted Freedom.- Restricted Freedom consists of assistance and daily and compulsory participation of the adolescent in the Adolescent Orientation Service to position of the Operations Management of Juvenile Centers of the Judiciary, in order to hold to the Restricted Freedom Program, aimed at its orientation, education and reintegration. I know applies for a maximum term of twelve months.

Article 235°.- Internment.- Internment is a custodial measure. Will apply as a last resort for the minimum period necessary, which shall not exceed three years.

Concordances:

Conv.DN: Art. 37° inc. b)

CNA: Art. 228°

Article 236°.- Application of the Internment.- The Internment can only be applied when:

- a) It is a malicious offending act, which is typified in the Criminal Code and whose penalty is greater than four years;
- b) By reiteration in the perpetration of other serious infractions; Y,
- c) Due to unjustified and repeated breach of the socio-educational measure imposed.

Article 237°.- Location.- The hospitalization will be carried out in exclusive Youth Centers for teenagers. These will be located according to their age, sex, the severity of the infraction and the preliminary report of the Multidisciplinary Team of the Youth Center.

Article 238°.- Activities.- During the **hospitalization** , even the preventive one, the Pedagogical activities and periodic evaluations by the Multidisciplinary Team.

Concordances:

CNA: Arts. 150° inc. b), 211°

Article 239°.- Exception.- If the adolescent acquires the age of majority during the compliance with the measure, the judge may extend any measure until the end of the same. If the Criminal Judge had been inhibited, for having established the minority at the time of the facts, the Family Judge will assume competence even if the offender had reached coming of age In both cases, the measure will end compulsively when you turn twenty-one year old.

Article 240.- Rights.- During admission the adolescent has the right to:

- a) Decent treatment;
- b) Occupy establishments that meet hygiene requirements and are appropriate to their needs;
- c) Receive professional and technical education and training;
- d) Perform recreational activities;
- e) Profess your religion;
- f) Receive medical attention;
- g) Perform paid work that complements the instruction provided;
- h) Have contact with your family through visits, twice a week, or by phone;
- i) Communicate confidentially with your lawyer and request an interview with the Prosecutor and the Judge;
- j) Have access to information from the social media;
- k) Receive, when exterminated, the necessary personal documents for development in society;
- l) Challenge the disciplinary measures adopted by the authorities of the institution; Y,

m) Be periodically evaluated in your mental health, every six months.
These rights do not exclude others that could favor them.

The Multidisciplinary Team, in addition to the functions established in this Law,
will denounce before the Ombudsman for Children and Adolescents the facts that he had knowledge have

violated or violated the rights of interned adolescents. To meet
Liability of an official, administrative penalties will apply
indicated in Article 70 of this Law, notwithstanding the application of criminal penalties
to give rise, if that were the case. *(eleven)*

(11) Article modified by the Unique Art of the Law N° 28491, published on 04/12/2005.

Agreement:

Const. [T.211, §213]: Arts. 4, 7, 16, 139 incs. 6), 14), 20) and 21)

Conv.DN [T.169, p.39]: Arts. 37 inc. c), 40 inc. one)

CNA [T.291, §043]: Art. 70

Article 241°.- Semi-freedom benefit.- The adolescent who has fulfilled both
thirds of the hospitalization measure may request semi-freedom to attend the
work or to the educational center outside the Youth Center, as a step prior to its extermination.
This measure will be applied for a maximum term of twelve months.

CHAPTER VIII

PROTECTION MEASURES FOR THE CHILD WHO COMITS CRIMINAL LAW INFRINGEMENT

Article 242°.- Protection.- The child who commits a violation of the criminal law corresponds to the
protection measures. The specialized judge may apply any of the following measures:

- a) Home care, for which the parents or guardians will be oriented to the fulfillment of its obligations, with support and temporary monitoring by Institutions defense;
- b) Participation in an official or community Defense program with educational attention, of health and social;
- c) Incorporation into a surrogate family or family placement; Y,
- d) Comprehensive Care in a special protection establishment.

Concordances:

Conv.DN: Arts. 20th, 21st

CNA: Arts. IV, 104°, 105°, 183°, 184°, 191°

CC: Arts. 235°, 423°

CHAPTER IX

CHILD AND ADOLESCENT PROTECTION MEASURES IN PRESENT STATE OF ABANDONMENT (12)

(12) Chapter Regulated by Art. 1 of DS N° 011-2005-MIMDES, published on 11/12/2005.

Article 243°.- Protection

The Ministry of Women and Social Development may apply to children and adolescents who require it.
any of the following protection measures:

- a) Home care, for which parents, family members or guardians will be oriented in the fulfillment of its obligations, with support and temporary monitoring by defense institutions;
- b) Participation in the Official or Community Defense Program with educational attention, of health and social;
- c) Incorporation into a surrogate family or family placement;
- d) Comprehensive care in a duly accredited special protection establishment; Y,
- e) Give the child or adolescent for adoption, prior declaration of the state of abandonment issued by the specialized judge. (13)

(13) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004.

Article 244°.- Obligation to inform

Those responsible for social and / or health care facilities, public or private, they are obliged to inform the competent body of the MIMDES guardianship investigations

on children and / or adolescents who are in an alleged state of abandonment in a maximum term of seventy-two (72) hours of having knowledge of the fact. (14)

(14) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004.

Article 245°.- Guardianship investigation

The MIMDES, upon taking cognizance, through a police report or party report, that a child or teenager is in some of the grounds of abandonment, will open guardianship investigation, with the knowledge of the Family Prosecutor and will provisionally arrange the measures of relevant protection. (fifteen)

(15) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004.

Article 246°.- Reports

In the resolution to initiate the investigation, the MIMDES will provide the following errands:

- a) Declaration of the child or adolescent, or the description of their physical characteristics, as well as the palm and plantar fingerprinting;
- b) Psychosomatic examination to determine their age, their state of health and psychological development. This will be done by the specialized medical-legal office and its results are communicated in the term of two (2) days; if there is no legal medicine unit, the practice of said Expertise in the establishments of the Ministry of Health, by a medical professional;
- c) Pelmatoscopic expertise to establish the identity of the child or adolescent. Known this one, it will attach the birth certificate and the copy of the psychosomatic exam, and the Expertise within two (2) days. If it is a child or teenager who is unknown your identity, the expertise will be issued within ten (10) calendar days, for which you must attach to the office a copy of the psychosomatic exam;
- d) Report of the multidisciplinary team or the one that does its times, to establish the factors that have determined the situation of the child or adolescent;
- e) The multidisciplinary technical reports, made by professionals of the institutions that shelter the sheltered; in addition to those that will be sent periodically every three (3) months;
- f) Report of the Division of Missing Persons, which will be requested by exposing detailed the circumstances in which the guardian was found, in order to indicate if there is denunciation for the disappearance or kidnapping of the child or adolescent. The MIMDES will attach to your request, copy of the birth certificate or, failing that, copy of the age test

approximate or of the pelmatoscopic expertise. The report will be issued within three (3) days.
(16)

(16) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004.

Article 247°.- Measures

Once the reports referred to in the preceding article have been issued, the MIMDES will request the Police National search and location of parents or guardians attaching the file of RENIEC registration. If not, you will have the notification by the official newspaper and another of greater circulation of the place of the last domicile of the aforementioned, if known or, failing that, in the place where the investigation is carried out. The publication will be done for two (2) days in form interdiaria also providing the notification by broadcasting in the official station in equal shape. If there were no parents or guardians of the child or adolescent, once the investigation, the MINDES will send to the competent Judge the file of the tutelary investigation to order to issue the resolution of the judicial declaration of abandonment status. (17)

(17) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004.

CHAPTER X

JUDICIAL STATEMENT OF THE STATE OF ABANDONMENT (18)

(18) Chapter Regulated by Art. 1 of DS N° 011-2005-MIMDES, published on 11/12/2005.

Article 248°.- Cases.- The specialized Judge may declare a child abandoned or teenager when:

- a) Be exposed;
- b) It lacks, definitively, of the people who according to the law have personal care of their upbringing, education or, if any, breach the obligations or duties corresponding; or lack the necessary moral or mental qualities to ensure the correct training;
- c) Be subject to abuse by those who are obliged to protect them or allow others to do
- d) Be delivered by your parents to a public or private welfare facility and would have unreasonably disregarded for six continuous months or when the duration added exceed this term;
- e) Be left in hospital or similar institutions for the obvious purpose of leave him;
- f) Has been delivered by their parents or responsible to public or private institutions, for be promoted for adoption;
- g) Be exploited in any way or used in activities contrary to the law or good customs by their parents or guardians, when such activities are executed in their presence;
- h) Is delivered by their parents or responsible to another person for remuneration or without she with the purpose of being forced to perform work not in accordance with her age; and,
- i) You are in total helplessness.

The lack or lack of material resources in no case results in the declaration of the status of abandonment.

Concordances:

CNA: Arts. 75th inc. b), e), 244°, 247°

CC: Arts. 235°, 418°, 423°, 462°, 463°

Article 249°.- Judicial declaration of the state of abandonment

Once the file has been received, the Judge will evaluate within a period not exceeding five (5) days if carried out the procedures included in the process, otherwise it will return to MIMDES the file for the observations.

The Judge, after favorable evaluation of the file, will send it to the competent Prosecutor so that issue its opinion within a period not exceeding five (5) days. The competent judge within a period that shall not exceed fifteen (15) calendar days, prior fiscal opinion, issue judicial resolution to pronounce on the state of abandonment of the child or adolescent.

Once the judicial resolution has been declared consented, and within a period not exceeding five (5) calendar days will send everything acted to MIMDES. (19)

(19) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004.

Article 250.- Appeal.- The resolution that declares the child or adolescent in a state of abandonment may be appealed within three days before the higher judicial instance.

Article 251°.- Denunciation

If, as a result of the tutelary investigation, it is established that the child or adolescent has been taxable person of a crime, the competent Judge will send the necessary reports to the Criminal Prosecutor to proceed according to its powers. (twenty)

(20) Article modified by Art. 1 of Law No. 28330, published on 08/14/2004.

Article 252°.- Family.- In the application of the mentioned protection measures, priority will be given the strengthening of family and community ties.

Concordances:

Conv.DN: Art. 9°

CNA: Arts. 8th, 104th, 243th inc. and)

COMPLEMENTARY PROVISIONS

First.- Repeal the Code of Children and Adolescents approved by Decree Law No. 26102 [T.199, §283] and its amendments, Supreme Decree No. 004-99-JUS [T.275, §037] and All legal norms that oppose this Code. (twenty-one)

(21) Provision replaced by Sole Article of Law 27473 published on 06/06/2001.

Agreement:

Law No. 27473: Sole Art.

Second.- For the purposes of notifications sent from the provinces, the distance terms chart, according to Law. (22) (23) (24)

(22) Provision replaced by Art. 2 of Law No. 28330, published on 08/14/2004.

(23) Expanded in its term by 90 additional days, by the Unique Art of the Law N° 27676, published on

*03/01/2002
(24) Established its validity by the Unique Art of Law No. 27432, published on 03/07/2001.*

Agreement.

Law No. 27432: Sole Art.

Contact the President of the Republic for promulgation.

In Lima, on the twenty-first day of July two thousand.

MARTHA HILDEBRANDT PEREZ TREVIÑO, President of the Congress of the Republic.

RICARDO MARCENARO FRERS, First Vice President of the Congress of the Republic.

TO THE CONSTITUTIONAL PRESIDENT OF THE REPUBLIC

SO:

Command is published and complied with.

Given at the Government House, in Lima, on the two days of the month of August of the year two thousand.

ALBERTO FUJIMORI FUJIMORI, Constitutional President of the Republic. ALBERTO

BUSTAMANTE BELAUNDE, Minister of Justice. LUISA MARIA CUCULIZA TORRE, Minister of

Promotion of Women and Human Development.
