A Caseworker's Guide to Processing Cases between New Jersey and the Dominican Republic

"A Caseworker's Guide to Processing Cases between New Jersey and the Dominican Republic" provides contact and policy information and describes basic requirements for forms and procedures for use in cases between the Dominican Republic and the State of New Jersey.

This Caseworker's Guide contains the following information:

- International Agreement between New Jersey and the Dominican Republic (English and Spanish language versions)
- Outgoing Support Packages from New Jersey to the Dominican Republic
- Incoming Support Packages from the Dominican Republic to New Jersey
- Policy for New Jersey and the Dominican Republic
- Bilingual International Forms (attached):
    - Affidavit in Support of Establishing Parentage
    - General Testimony
    - Limited Power of Attorney
    - Locate Data Sheet
    - Registration Statement
    - Statement of Arrears
    - Transmittal
    - Uniform Support Petition
    - Acknowledgment
    - Affidavit of Direct Payments
    - Payment History
    - Financial Information of Petitioner

AGREEMENT OF COLLABORATION
FOR THE EXECUTION OF SUPPORT ORDERS BETWEEN THE OFFICE OF THE ATTORNEY GENERAL OF THE DOMINICAN REPUBLIC AND THE DIVISION OF FAMILY DEVELOPMENT OF THE DEPARTMENT OF HUMAN SERVICES OF THE STATE OF NEW JERSEY

The Department of Human Services, Division of Family Development of the State of New Jersey, acting through the Governor of the State of New Jersey, Mr. Chris Christie, duly elected.

And the Office of the Attorney General of the Dominican Republic, duly represented by Dr. Radhames Jimenez Peña, Attorney General of the Republic, Dominican of legal age, single, holder of identity and electoral card No. 047-0043141-6, domiciled in and resident of the National District, capital of the Dominican Republic, and Marisol A. Tobal Williams, Esq., Assistant Attorney General, National Coordinator for matters related to Children, Adolescents, and Families, Dominican, of legal age, single, holder of identity and electoral card No. 001-0231111-5, domiciled in and resident of the National District, capital of the Dominican Republic.

Within the framework of mutual collaboration between States for the achievement of common goals so that the children and adolescents of the Dominican Republic and the State of New Jersey may obtain proper support from the persons legally responsible

AGREE UPON THE FOLLOWING:

PREAMBLE

WHEREAS: childhood is the engine of change in every society and, therefore, states must commit themselves to achieving an effective protection of the fundamental rights of children and adolescents and take the measures required for their enjoyment.

WHEREAS: the securing of all fundamental rights of children and adolescents must be recognized as an absolute priority among the duties of our states and of our society in particular.

WHEREAS: states as guarantors of the rights of their citizens must adopt the measures required to assist families in fulfilling their responsibilities and, therefore, must also establish mechanisms to execute decisions made for that purpose.

WHEREAS: the social reality of the single-parent family is that the burden of family support falls upon the shoulders of the person who holds guardianship or primary custodian of the child and adolescent.

WHEREAS: the above-mentioned disproportion vis-à-vis responsibility for support prevents, in most cases, the coverage of basic needs to the detriment of the resources that must be devoted to the maintenance and development of minors.

WHEREAS: the protection of children's rights may not be constrained by territorial bounds, as a prerogative enshrined in the Convention on the Rights of the Child, adopted by the General Assembly of the United Nations in 1989.

WHEREAS: the right to support is among the above-mentioned rights.

WHEREAS: Article 6 of Resolution No. 000012 of the twenty-first (21) day of the month of February of the year Two Thousand and Eight provides that: "The Assistant Attorney General in charge of matters related to children, adolescents, and families will represent the Attorney General of the Republic in those matters before National and International Organizations; and will also coordinate everything related to the area with the other Public and Private institutions."

COMPETENCE

The Department of Human Services, Division of Family Development of the State of New Jersey, acting under the authority delegated by the United States of America in accordance with the Federal Social Security Act, 42 USC § 659(A), and also in accordance with the New Jersey Child Support Improvement Act, NJSA 2A:17-56.7a, *et seq.*, the New Jersey Child Support Collection Reform Act, NJSA 2a:17-56.27, *et seq.,* the Uniform Interstate Family Support Act, NJSA 2A:4-30.62, *et seq.,* and New Jersey Administrative Code, Title 10, chapter 110; and the Office of the Attorney General of the Dominican Republic, in accordance with the provision of article 30, clause 25 of Law No. 133-11 on the Statute for the Office of the Public Prosecutor, and art. 198 and 258 of the Code for the Protection System and Fundamental Rights of Children and Adolescents (Law No. 136-03), have agreed to enter into the present agreement of collaboration and reciprocity.

PURPOSE

The purpose of this agreement is to establish international cooperation between the signatories for the acknowledgement of the setting, modification, and revision of support decisions, the execution of those judgments, the determination of filiation aimed at setting support orders and location orders, in accordance with the relevant legal provisions of the contracting states.

DEFINITIONS

For the purposes of this agreement of collaboration, the following terms will have the meanings stated herein below:

Support: Care, services, and products aimed at the satisfaction of the basic needs of children or adolescents, essential to their maintenance and development;

Support Orders: Judgment issued by the competent authority with regard to the support of the minor beneficiary;

Minor beneficiary: Child or adolescent of between the age of birth to the age of majority, and declared as such in accordance with order issued by a competent authority;

Non-custodial person: Father, mother or legal representative who does not have custody of the minor;

Requesting Party: Legal representative or guardian of the minor beneficiary, who requests the determination and enforcement of the Support Order;

Requested Party: Non-custodial person, against whom a support claim has been filed;

Contracting Parties: Governmental agencies signing this agreement;

Central Authority: Person or entity designated by the contracting parties to be responsible for making available the procedures indicated hereafter;

Public Policy: Set of rules, actions, provisions, procedures, resolutions, agreements, guidelines, and directives of a public nature issued by the competent authorities in order to guide efforts to ensure and guarantee the rights provided by the domestic legislation and the international instruments.

GENERAL PROVISIONS

ARTICLE ONE: The main objectives of both jurisdictions are the acknowledgment and confirmation of the following:

- **a.** Orders issued by a competent judge or authority to fix, modify, and review support measures against a Non-Custodial Person;
- **b.** measures to locate Non-Custodial Persons against whom a support claim has been filed on behalf of minor beneficiaries;
- **c.** procedures to impose enforcement measures to secure support orders in favor of beneficiary minors;
- **d.** determinations of filiation; and
- **e.** collection procedures and distribution of Support Order payments.

PARAGRAPH I: The means to achieve the above-mentioned objectives are not exclusive and the use of any of them does not preclude the use of any other to assure enforcement of a valid support obligation.

ARTICLE TWO: Any instance of patent incompatibility with the Public Policy of one of the Contracting Parties will prevent the application of this Agreement of Collaboration.

ARTICLE THREE: Each Contracting Party must designate a Central Authority, whose primary responsibility will be to facilitate the procedures indicated in ARTICLES ONE AND TWO of this Agreement.

PARAGRAPH I: The Central Authority of the Dominican Republic will be the Assistant Attorney General in charge of the Department of Children and Adolescents, attached to the Office of the Attorney General of the Republic, in accordance with the authority delegated by articles 198 of Law No. 136-03 and 6 of Resolution No. 000012 as issued by the Attorney General on the Twenty-First (21st.) day of the month of February of the year Two-Thousand and Eight.

PARAGRAPH II: The Central Authority of the State of New Jersey will be the Office of Child Support Services in the Department of Human Services, Division of Family Development, P.O. Box 709, Trenton, NJ 08625.

PARAGRAPH III: The Central Authority must use all the resources at its disposal for the purpose of the faithful fulfillment of the objectives indicated in ARTICLE ONE of this Agreement, in accordance with the legislation and applicable legal provisions of each Contracting Party.

ARTICLE FOUR: Each Central Authority, in direct coordination with the Central Authority of the other Party, may designate other governmental entities empowered with the authority to handle any provision of this Agreement.

PARAGRAPH I: The Central Authority of the other party must be immediately notified of any change in the designation of a Central Authority. Communications related to the selected cases must be dispatched directly by each Central Authority without prejudice to the formalities required by the Office of the Secretary of State for Foreign Affairs to guarantee the execution of judgments issued by the courts of each Contracting Party.

PARAGRAPH II: Each Central Authority will establish the mechanisms required to handle the selected cases, as well as the pertinent communication, among other aspects related to the fulfillment of the objectives indicated in ARTICLE ONE.

ARTICLE FIVE: The Central Authority of the Requesting Party will admit cases upon submission of an application for services once it has been completed in accordance with the applicable procedures and in fulfillment of the due process provisions of the law of its territory.

PARAGRAPH I: The Central Authorities agree that services request forms must be available in the ***Spanish*** and ***English*** languages. The supporting documents required to properly handle the case must be attached to those forms.

PARAGRAPH II: The Central Authority of the Requesting Party must dispatch the petition, along with the supporting documents required to properly handle the case, to the Central Authority of the Requested Party. The Central Authority of the Requesting Party must previously ascertain that the documentation to be dispatched **fulfills** the regulatory requirements of the Central Authority of the Requested Party.

PARAGRAPH III: In order to be handled by the Central Authority of the Requesting Party, every official document **issued** by competent administrative or judicial authorities concerning the creation, modification or revision of a support obligation must be in accordance with the legislation on the subject.

PARAGRAPH IV: The Central Authorities must mutually assist in the fulfillment of the responsibilities imposed by this Agreement.

PARAGRAPH V: Any judgment or confirmation action that Central Authority of the petitioner sends should be translated into the language of the petitioner's country and be authenticated by the corresponding consular authority.

ARTICLE SIX: The Contracting Parties must conduct all the procedures indicated in this Agreement of Collaboration without any charge to the Requesting Party or the Requested Party; charges may not likewise be transferred from one Central Authority to the other.

PARAGRAPH I: Nonetheless, the costs of the paternity testing will be paid for by the Central Authority of the petitioning party; the costs may be evaluated by that Central Authority.

ARTICLE SEVEN: Insofar as they are in accordance with the applicable legal provisions of both parties, the orders and decisions issued in connection with support payments, imposition of enforcement measures, as well as filiation, must be recognized by the Central Authorities of each Party.

PARAGRAPH I: The decisions of the Central Authority of the Requested Party will be recognized by the Central Authority of the Requesting Party to the extent that the facts and the law applied in those decisions support their conclusions according to the laws and regulations of the Requesting Party.

PARAGRAPH II: In case a Requested Party is declared in contempt of court in the course of legal proceedings, the decision rendered must be deemed final if there is evidence that the Party was duly notified and had an opportunity to be heard.

PARAGRAPH III: If the Central Authority of the Requested Party is prevented from recognizing a determination issued by the Central Authority of the other party by the terms of the main provision of this article, it may nonetheless take all possible steps toward establishing a Support Order, always considering the best interests and welfare of the minor.

ARTICLE EIGHT: Every action taken, procedure conducted or decision rendered by any Central Authority in fulfillment of this Agreement must be recognized and reciprocally executed by **both** Central Authorities **in accordance with** the applicable laws and the international principle of *Pacta Sum Servanda.*

FINAL PROVISIONS

ARTICLE NINE: Grounded on the bases of a demonstration structure designed to service the cases indicated in article ONE, this Agreement of Collaboration will be in force for twenty-four (24) months to be counted from the date both parties sign it and fulfill the diplomatic requirements of the **internal** legislation of both states.

ARTICLE TEN: This Agreement of Collaboration may be unilaterally terminated by either of the two (2) parties, on the condition that the other contracting party is previously notified in writing within a period of no more than thirty (30) days.

ARTICLE ELEVEN: Evaluation – Both parties will collaborate in the **evaluation** of programmatic, procedural, and tax aspects of this Agreement of Collaboration, while it is in force.

PARAGRAPH I: The evaluation process will occur bi-annually. After the expiration of the Agreement of Collaboration, services for the cases included in the selection that are still pending must continue in accordance with the legislation and procedures of the territory where the Requesting Party or the minor beneficiaries are located.

After the expiration of the Agreement, both parties will conclude the process of evaluation of programmatic, procedural, and tax matters resulting from case management.

Signed in the city of Trenton, New Jersey, on the eighteenth (18th) day of the month of April, of the year two thousand and twelve (2012), in two original documents of the same text in the Spanish and English languages.

Dr. Radhamés Jiménez Peña
Attorney General of the Republic

Jennifer Velez
Commissioner
Department of Human Services
State of New Jersey

Jeffrey S. Chiesa
Attorney General
State of New Jersey

Lic. Marisol A. Tobal Williams
Assistant Attorney General
National Coordinator for matters related to
Children, Adolescents, and Families

ACUERDO DE COLABORACIÓN PARA LA EJECUCIÓN DE ORDENES ALIMENTARIAS ENTRE LA PROCURADURÍA GENERAL DE LA REPÚBLICA DOMINICANA Y EL DEPARTAMENTO DE SERVICIOS HUMANOS DIVISION DE DESARROLLO DE FAMILIA DEL ESTADO DE NEW JERSEY.

El Departamento de Servicios Humanos División de Desarrollo de Familia del Estado de New Jersey, a través del Gobernador del Estado de New Jersey, Sr. Chris Christie, y la Procuraduría General de la República, debidamente representada por el Dr. Radhames Jimenez Peña, Procurador General de la República, dominicano, mayor de edad, soltero, portador de la cédula de identidad y electoral Núm. 047-0043141-6, domiciliado y residente en el Distrito Nacional, capital de la República Dominicana y la Licda. Marisol A. Tobal Williams, Procuradora General Adjunta, Coordinadora Nacional de Niños, Niñas, Adolescentes y Familia, dominicana, mayor de edad, soltera, portadora de la cédula de identidad y electoral Núm. 001-0231111-5, domiciliada y residente en el Distrito Nacional, capital de la República Dominicana.

En el marco de la mutua colaboración Entre Estados para alcanzar las metas comunes para que los niños, niñas y adolescentes de la República Dominicana y el Estado de New Jersey obtengan de las personas legalmente responsables un sustento digno.

CONVIENEN LO SIGUIENTE:

PREAMBULO

Considerando: Que la niñez constituye el motor de cambio en toda sociedad, por lo que los Estados deben comprometerse a lograr la protección efectiva de los derechos fundamentales de los niños, niñas y adolescentes, por lo cual deben tomar las medidas necesarias tendentes a permitir el goce de los mismos.

Considerando: Que se hace imperante imponer como prioridad absoluta dentro de los deberes de los Estados y en particular de la sociedad, el aseguramiento de todos los derechos fundamentales de los niños, niñas y adolescentes.

Considerando: Que los Estados como entes garantistas de los derechos de sus ciudadanos, deben adoptar las medidas necesarias para lograr que la familia pueda asumir sus responsabilidades, y por ende crear mecanismos de ejecución de decisiones consecuentes con ese fin.

Considerando: Que existe una realidad social en torno a la familia monoparental, en la que la carga del sustento de la familia recae sobre los hombros de la persona que ostenta la guarda o custodia del niño, niña y adolescente.

Considerando: Que la mencionada desproporción en los gastos familiares, en la mayoría de los casos, imposibilitan la cobertura de las necesidades básicas en detrimento de las partidas que deben ser designadas para la manutención y desarrollo de los menores.

Considerando: Que la protección de los derechos de la niñez no se encuentra limitada territorialmente, por ser prerrogativas consagradas en la Convención sobre los Derechos del Niño, aprobada por la Asamblea General de las Naciones Unidas en 1989.
Considerando: Que dentro de los derechos supracitados se encuentra el relativo a los Alimentos.

Considerando: Que el Artículo 6 de la Resolución No. 000012 de fecha Veintiún (21) del Mes de Febrero del año Dos Mil Ocho dispone que: "El o la Procuradora especialista en materia de niñez, adolescencia y familia tendrá la responsabilidad de representar al Procurador General de la República en la materia ante Organismos y Órganos Nacionales e Internacionales; además, coordinará todo lo relacionado al área con las demás instituciones Públicas y Privadas".

COMPETENCIA

El Departamento de Servicios Humanos División de Desarrollo de Familia del Estado de New Jersey***, bajo el poder delegado por los Estados Unidos de Norteamérica al amparo del 42 USC Sec. 659(A),*** y de acuerdo con la Ley de Mejora de la Pensión Infantil de New Jersey, N.J.S.A. 2A:17-56.7a, *et seq*., la Ley de Reforma de la Recaudación de Pensión Infantil de New Jersey N.J.S.A. 2a:17-56.27, *et seq.,* la Ley Interestatal Uniforme de Apoyo Familiar, N.J.S.A. 2A:4-30.62, *et seq.,* y el Código Administrativo de New Jersey, Título 10, capítulo 110; y la Procuraduría General de la República Dominicana, al amparo de lo previsto en el artículo 30 numeral 25 de la Ley 133-11 sobre la Ley Orgánica del Ministerio Publico y los arts. 198 y 258 del Código para el Sistema de Protección y los Derechos Fundamentales de los Niño, Niñas y Adolescentes, Ley 136-03, han decidido pactar el presente acuerdo de colaboración recíproco.

OBJETO

El presente acuerdo tiene por objeto la cooperación internacional entre los firmantes para el reconocimiento de la fijación, modificación y revisión de sentencias de alimentos**,** la ejecución de dichas sentencias, determinación de filiación con el propósito de fijar Órdenes Alimentarías y Órdenes de Localización, conforme a lo establecido en sus respectivas disposiciones legales.

DEFINICIONES

A los efectos del presente acuerdo de colaboración, se entenderá por:

Alimentos: los cuidados, servicios y productos encaminados a la satisfacción de las necesidades básicas de niño, niña o adolescente, indispensables para su sustento y desarrollo;

Ordenes Alimentaría: sentencia emanada por autoridad competente relacionada a los alimentos del Menor beneficiario;

Menor beneficiario: niño, niña o adolescente en edades comprendidas desde su concepción hasta alcanzar la mayoría de edad y declarado como tal, por sentencia emanada de autoridad competente;

Persona No Custodia: padre, madre, o representante legal que no ostenta la guarda del Menor beneficiario;

Parte Peticionaria: representante legal o tutor del menor beneficiario, que solicita el cumplimiento de la Orden Alimentaría;

Parte Peticionada: Persona no Custodia, a quien se le reclama la Orden Alimentaria;

Partes Contratantes: entidades gubernamentales firmantes del presente Acuerdo;

Autoridad Central: persona designada por las partes contratantes, responsable de facilitar los procedimientos descritos en lo adelante;

Política Pública: Conjunto de normas, acciones, disposiciones, procedimientos, resoluciones, acuerdos, orientaciones y directrices de carácter público dictadas por los órganos competentes, a fin de guiar la gestión que asegure y garantice los derechos consagrados en la legislación interna y en los instrumentos internacionales.

DISPOSICIONES GENERALES

ARTÍCULO PRIMERO: los fines principales entre ambas jurisdicciones son el reconocimiento y la homologación, a saber de:

- **a.** Las órdenes por una sentencia de Juez u Autoridad Competente de fijación, modificación y revisión de alimentos en contra de una Persona no Custodia;
- **b.** Gestiones de localización de Personas no Custodias y contra quienes se ha presentado una reclamación de alimentos de menores beneficiarios;
- **c.** Los procedimientos de imposición de medidas de cumplimiento para el aseguramiento de las órdenes de alimentos de menores beneficiarios;
- **d.** Las determinaciones de filiación; y
- **e.** Procedimientos de cobro y distribución de pagos de Ordenes Alimentarias.

PARRAFO: Los medios utilizados para lograr cumplir con los objetivos descritos anteriormente, no son exclusivos y el uso de alguno de éstos no excluye la imposición de cualesquiera otros medios para el aseguramiento del cumplimiento de una obligación válida de alimentar.

ARTICULO SEGUNDO: El presente Acuerdo de Colaboración no será de aplicación en situaciones en las que, claramente, exista incompatibilidad con la Política Pública de una de las Partes Contratantes.

ARTICULO TERCERO: Cada una de las partes contratantes deberá designar a la Autoridad Central, la cual tendrá la responsabilidad primordial de facilitar los procedimientos que se describen en los ARTICULOS PRIMERO y SEGUNDO del presente Acuerdo.

PARRAFO I: La Autoridad Central de la República Dominicana será la Procuradora General Adjunta, Coordinadora Nacional de Niños, Niñas, Adolescentes y Familia, adscrita a la Procuraduría General de la República, conforme al poder delegado por los artículos 198 de la Ley 136-03, y 6 de la Resolución No. 000012 de fecha Veintiún (21) del Mes de Febrero del año Dos Mil Ocho, emitida por el Procurador General

PARRAFO II: La Autoridad Central del Departamento de Servicios Humanos División de Desarrollo de Familia del Estado de New Jersey será, Oficina de Servicios de Pensión Infantil en el Departamento de Servicios Humanos, División de Desarrollo Familiar, P.O. Box 709, Trenton, NJ 08625.

PARRAFO III: Las Autoridades Centrales deberán ejecutar todas las gestiones que tenga a su haber con el propósito de dar fiel cumplimiento a los objetivos descritos en el ARTÍCULO PRIMERO del presente Acuerdo, conforme a la legislación y/o disposiciones legales aplicables de cada una de las Partes Contratantes.

ARTICULO CUARTO: Cada Autoridad Central podrá designar o delegar en otras estructuras gubernamentales el manejo de cualesquiera de las disposiciones del presente Acuerdo en coordinación directa con la Autoridad Central de la otra Parte.

PARRAFO I: Cualquier cambio en la designación de la Autoridad Central deberá ser notificado inmediatamente a la Autoridad Central de la otra parte. Las comunicaciones en torno a los casos seleccionados deberán ser remitidas por conducto directo de Autoridad Central, u otra entidad, a Autoridad central, sin menoscabo de los trámites formales a través de la Secretaría de Estado de Relaciones Exteriores; tendentes otorgar la ejecutoriedad de las sentencias dictadas por los tribunales de cada Parte Contratante.

PARRAFO II: La Autoridad Central se encargará de establecer los mecanismos adecuados para el manejo de los casos seleccionados, así como de la comunicación a ser establecida, entre otros aspectos relacionados al cumplimiento de los objetivos descritos en el ARTÍCULO PRIMERO.

ARTICULO QUINTO: La Autoridad Central de la Parte Peticionaria, acogerá los casos a través de la presentación de una solicitud de servicios que haya sido intentada conforme a los procedimientos aplicables y cumpliendo con el debido proceso de ley de su territorio.

PARRAFO I: Deberán establecerse formularios de solicitud de servicios en el idioma ***Español*** y Ingles por común acuerdo de las Autoridades Centrales de ambas partes. Dichos formularios deberán estar acompañados de toda la documentación necesaria para la atención del mismo.

PARRAFO II: La Autoridad Central de la Parte Peticionaria deberá transmitir la petición a la Autoridad Central de la Parte Peticionada, así como la documentación en apoyo requerida para la atención del caso. La Autoridad Central de la Parte Peticionaria deberá cerciorarse previamente que la documentación ha ser transmitida **cumpla** con los requisitos reglamentarios aplicables de la Autoridad Central de la Parte Peticionada.

PARRAFO III: Todo documento oficial que la Autoridad Central de la Parte Peticionaria **tramite**, emitidos por las autoridades administrativas o judiciales competentes, en las cuales se establece la filiación, la fijación, modificación o revisión para rebajar o aumentar una obligación alimentaria, deberán estar a tenor con la legislación sobre lo que allí se dispone.

PARRAFO IV: Las Autoridades Centrales deberán proveerse de asistencia mutua durante la consecución de las responsabilidades que mediante el presente Acuerdo se establecen.

PARRAFO V: Cualquier sentencia o acto homologado que la Autoridad Central de la parte peticionaria tramite deberá traducida al idioma del pais peticionario y estar legalizada, por la autoridad consular correspondiente.

ARTICULO SEXTO: Todos los procedimientos que se describen en el presente Acuerdo de Colaboración deberán ser provistos por la Parte Contratante sin costo alguno para la Parte Peticionaria o Peticionada, ni de una Autoridad Central a la otra.

PARRAFO: Sin embargo, el costo de las pruebas de histocompatibilidad (paternidad) serán sufragadas por la Autoridad Central de la Parte Peticionada; los costos podrán ser evaluados por dicha Autoridad Central.

ARTICULO SEPTIMO: Las órdenes y decisiones emitidas con relación al pago de alimentos, imposición de medidas de cumplimiento, así como filiación, conforme cumplan con las disposiciones legales aplicables de ambas partes, deberán ser reconocidas por las Autoridades Centrales de cada una de las Partes.

PARRAFO I: Las decisiones emitidas por la Autoridad Central de la Parte Peticionada serán reconocidas por la Autoridad Central de la Parte Peticionaria, en la medida en que los hechos y la aplicación del Derecho contenidas en esas decisiones, apoyen dicha determinación bajo las leyes y reglamentos aplicables a esta última.

PARRAFO II: Una decisión emitida, luego de iniciado un proceso en el que la Parte Peticionada se encuentre en rebeldía, debe ser considerada como una decisión final, siempre que se demuestre que la Parte fue debidamente notificada y que tuvo oportunidad de ser escuchado/a.

PARRAFO III. La Autoridad Central de la Parte Peticionada deberá ejecutar todas las gestiones posibles encaminadas para establecer la orden alimentaria si se viera imposibilitada de reconocer la decisión emitida por la Autoridad Central de la Parte Peticionaria, conforme a lo establecido en la parte capital del presente artículo.

ARTICULO OCTAVO: Toda acción, procedimiento o decisión emitida por cualquiera de las Autoridades Centrales, emitida al amparo del presente Acuerdo, deberá ser reconocida por cada una de **éstas** y ejecutarse recíprocamente **conforme a** las leyes aplicables, y al principio internacional del *Pacta Sum Servanda.*

DISPOSICIONES FINALES

ARTICULO NOVENO: El presente Acuerdo de Colaboración, apoyado en las bases de una estructura para la atención de los casos descritos en el artículo PRIMERO, tendrá una vigencia de Venticuatro (24) meses, contados a partir desde que ambas partes estampen sus firmas y cumplan con el trámite diplomático requerido por la legislación **interna** de ambos países.

ARTICULO DECIMO: Este Acuerdo de Colaboración podrá ser abrogado unilateralmente por cualquiera de las dos (2) partes, con la previa notificación por escrito a la otra parte contratante, en un plazo no mayor de treinta (30) días.

ARTICULO DECIMO PRIMERO: Evaluación **-** Durante la vigencia del presente Acuerdo de Colaboración, ambas partes colaborarán para que se **evalúen** aspectos programáticos, procesales y fiscales.

PARRAFO I: El proceso de avalúo se efectuará semestralmente. Culminada la vigencia del Acuerdo de Colaboración, los casos que conformen la muestra que no hayan terminado su trámite, deberán continuar siendo atendidos, conforme a la legislación y procedimientos del territorio de la Parte Peticionaria.

Culminada la Vigencia del Acuerdo, ambas partes concluirán el proceso de avalúo de asuntos programáticos, procesales y fiscales, como producto del trámite de los casos.

Suscrito en la ciudad de Trenton, New Jersey, a los dieciocho (18th) días del mes de Abril, del año dos mil doce (2012), en dos ejemplares originales de igual tenor.

Dr. Radhamés Jiménez Peña
Procurador General de la República

Jennifer Velez
Commissioner
Departamento de Servicios Humanos
Estado de .New Jersey

Jeffrey S. Chiesa
Procurador General
Estado de .New Jersey

Licda. Marisol A. Tobal Williams
Procuradora General Adjunta
Coordinadora Nacional de NNA y Familia.

Outgoing Child Support Packages from New Jersey to the Dominican Republic

The address for the Dominican Republic's Central Authority is:

Procuraduría General de la República, Coordinación Nacional de Niños, Niñas, Adolescentes y Familia, 3er Nivel.
Ave. Enrique Jiménez Moya esq. Juan de Dios Ventura Simó, Centro de los Héroes, Constanza, Maimón y Estero Hondo, La Feria, Santo Domingo, Distrito Nacional.

Cases are to be sent to Dominican Republic's Central Authority, the Assistant Attorney General in charge of the Department of Children and Adolescents.

Licda. Magdalena Eugenio Guerrero

The website for the Central Authority is:

http://www.pgr.gob.do/Portal/Default.aspx

Payments should be sent to the:

Procuraduría General de la República, Coordinación Nacional de Niños, Niñas, Adolescentes y Familia, 3er Nivel.
Ave. Enrique Jiménez Moya esq. Juan de Dios Ventura Simó, Centro de los Héroes, Constanza, Maimón y Estero Hondo, La Feria, Santo Domingo, Distrito Nacional.
(Los Pagos deben de ser en cheque a nombre del o de la beneficiario/a).

Locate Requests

Please include locate request procedures.
The Locate Person/Assets form includes information on the debtor and the purpose of the request. The form states that the information requested will be used exclusively for the purpose of establishing or enforcing a child support order.

In the Dominican Republic, as in New Jersey when the parties are married to each other, the children from this marriage are presumed children of both the parties.

In the Dominican Republic, where the children are fathered out of wedlock at the time to put a child support or Pension food, this provisioning is done, until the duration of the process of investigating whether or not the defendant's son.

Paternity Establishment

Please include relevant law and procedures for the establishment of paternity. (administrative/judicial)

Children born in wedlock are reputed children of both parents, may in cases that children are not conceived out of wedlock can be done at the request of the parent or the interested party or in the event that the person refused voluntary recognition demanded by the judge of first instance of children and adolescents of lower jurisdiction or judge of first instance in powers of children and adolescents.

In the Dominican Republic has the laws which shall regulate the above stipulated in Article 63, first V of Law 136-03 and Article 56 of the Constitution of the Dominican Republic, proclaimed on January 26, 2010.

Child/Medical Support Establishment

Please include relevant law and procedures for the establishment of child and medical support. (administrative/judicial)

In the Dominican republic food to minors by parents or a third party consist of all those care, services and products aimed at meeting the basic needs of children and adolescents indispensable for sustenance and development such as: Food, clothing, medical, medical care, medicine, recreation, comprehensive training, academic education, these being public policy obligations.

In the Dominican Republic are required to meet the child's feeding and adolescents, the parent or person holding the custody of the same. In case of death of a parent shall be liable smaller grandparents, when sustenance demands are against a minor, the father of this civilly liable for this.

The food demands are performed before the Ordinary Magistrates Court jurisdiction over the child beneficiary, where within 10 days will cite the parties to be heard in conciliation, in which if the parties come to an agreement the Inspector certified report Certify agreement and before the Magistrate, otherwise the certified agreement and is not sent to the magistrate for the purpose of this after seeing all the evidence of place decision. The judgments on food demands will be appealed to the Court of Children and Adolescents appropriate judicial district.

Everything related with respect to food of children and adolescents is established in Articles 170 and following of Law 136-03 on Protection of the Rights of Children and Adolescents, which the law 52-07, of 23 April 2007 amending Articles 174, 176, 178, 181, 187, 192, 194, 195, 197 and 198 of the Law 136-03 that in the second article the Resolution dated September 7, 1998 , issued by the supreme court competition will ratify the peace court to hear complaints of food, and the provisions of the third article of the resolution of the Supreme Court's October 31, 1997.

Enforcement of a Child Support Order

Please include procedures for the enforcement of support orders. (administrative/judicial)

To fulfill the demands judgments about food products to children and adolescents issued by justices of the peace, take the following steps: a) coercive measures imposed sentence of two years, which will consist of the imprisonment of the person obligated to fulfill its this, b) Impairment of departure, this limits the person forced to leave the country without providing pussycat 12 months as maintenance or have a contract for an insurance company national recognition , in order to not incur this breach, c) notify the employer demand judgment of food so that you make a discount for payroll in the child or adolescent, but the values will be removed by the person having custody and custody.

In the Dominican Republic the judgments in matters of food products to children and adolescents are enforceable 10 days after it is notified.

In the Dominican Republic is the legal rules applicable to Articles 181, 182, 185, 186, 187, 188, 190, 191 and 196, and Principle V of Law 136-03 on the Protection of the Rights of Children and Adolescents.

Forms

Under the terms of its international child support bilateral agreement, the Dominican Republic has agreed with the State of New Jersey to accept service requests on bilingual international forms (attached to this guide). The bilingual international forms are in English and Spanish. Forms are internationalized versions of the federally-promulgated UIFSA case processing forms used in domestic cases.

Please note that while the headings for the various data elements on these forms are in both English and Spanish, the information itself needs to be in a language acceptable to the responding tribunal. While proper names need no special treatment, care must be taken that other information (e.g., eye color) is translated and that currency of money is identified.

The following chart, ***Forms from New Jersey to the Dominican Republic***, summarizes the forms that need to be sent to the Dominican Republic to process various case actions.

IF THE CLIENT IN NEW JERSEY WANTS TO:	COMPLETE THESE BILINGUAL FORMS AND DOCUMENTS
Establish a new (initial) support order in the Dominican Republic, including the Establishment of Paternity	☐ Transmittal & Acknowledgement ☐ Uniform Support Petition ☐ General Testimony (including supporting documentation and evidence) ☐ Affidavit in Support of Establishing Paternity ☐ Locate Person/Assets (when applicable)
Enforce an order or agreement in the Dominican Republic	☐ Transmittal & Acknowledgement ☐ Statement of Arrears ☐ Affidavit of Direct Payments and Possession ☐ Copy of Current Support Order (translated) ☐ Locate Person/Assets (when applicable)
Register and Enforce an existing NJ Support Order in the Dominican Republic	☐ Transmittal & Acknowledgement ☐ Registration Statement ☐ Copy of Current Support Order (translated) ☐ Statement of Arrears ☐ Locate Person/Assets (when applicable)
Register and Modify an existing NJ Support Order in the Dominican Republic	☐ Transmittal & Acknowledgement ☐ Registration Statement ☐ Copy of Current Support Order (translated) ☐ Uniform Support Petition ☐ General Testimony (including supporting documentation and evidence) ☐ Locate Person/Assets (when applicable)
Request Modification of an existing Dominican Republic Support Order	☐ Transmittal & Acknowledgement ☐ Copy of Current Support Order (translated) ☐ Uniform Support Petition ☐ General Testimony (including supporting documentation and evidence) ☐ Locate Person/Assets
Locate a person or provide information regarding a person's assets in the Dominican Republic	☐ Transmittal & Acknowledgement ☐ Locate Person/Assets
Request status, assistance, or information on existing case or person located in the Dominican Republic	☐ Transmittal & Acknowledgement

Incoming Child Support Packages from the Dominican Republic to New Jersey

Once the Dominican Republic's Central Authority is satisfied that the application and the relevant documents are sufficient, it will send the case to the State of New Jersey. As with other international agreements, the physical presence of the child or custodial parent is not mandatory to establish and enforce a case.

The address to send requests to the State of New Jersey is:
New Jersey Interstate Central Registry
P.O. Box 960
Trenton, NJ 08625

The address to send payments to is (make sure the New Jersey Case Number is included):
New Jersey Family Support Payment Center
P.O. Box 4880
Trenton, NJ 08625-4880

Locate Requests

Requests for a Locate of Person/Assets should be sent along with a Transmittal and Acknowledgement to:

DFD-Parent Locate Unit
P.O. Box 716
Trenton, NJ 08625

Paternity Establishment

Paternity establishment is the process of creating a legal relationship between a father and a child.

In New Jersey, if the parties are married at the time of a child's birth, then paternity is not an issue. The husband is automatically considered the child's biological father by conclusive marital presumption.

For children born out of wedlock, paternity is an issue and must be established before a father can be obligated to pay support for the maintenance of the child. Paternity can be established in the following two ways:

1. Voluntary Acknowledgement
    - Both parties can complete and sign a Certificate of Parentage (COP) acknowledging paternity. A COP can be rescinded at any time within 60 days of the date of signing or by the date of establishment of a support order to which the signatory is a party, whichever is earlier.
2. Court Order
    - The parties can file with the court to establish an order for paternity.

    - If paternity is contested, the judge can order the parties to undergo genetic testing. The genetic testing results themselves do not establish paternity; an order for establishment of paternity must still be signed by a judge based on the conclusive genetic testing results.

Actions to establish paternity may occur at any time up to five years after the child's 18th birthday, the statutory age of majority as stipulated at N.J.S.A. 9:17B-3.

Child/Medical Support Establishment

In New Jersey, a parent and/or spouse has a legal obligation to provide support for their children and spouse. The Court is required to use the State statutes and Child Support Guidelines to establish support obligations (45 CFR 302.50, 45 CFR 303.4). The Child Support Guidelines amounts are calculated using statistical-based estimates of what parents in intact families spend on their children. The cost of raising children is difficult to determine because most goods and services are shared by adults and children; therefore, economists use an indirect method to determine child-rearing costs. The marginal cost estimation method computes the added cost of a child, or children, to an intact family as follows:

- The expenditures of equally well-off (economically) intact families with children and intact families without children are compared.
- The additional expenditures of the intact families with children are assumed to be the marginal costs needed to raise the children (i.e., the amount of spending above what parents would spend if they did not have children).

The New Jersey Supreme Court establishes New Jersey's guidelines and reviews them every four years. The purpose of the New Jersey Child Support Guidelines is to ensure that both parents share the financial responsibilities of child rearing. The guidelines also provide uniformity in establishing and modifying child support orders. Finally, they create a standard for child support orders that adequately meet the needs of the child and that are based on the income of the parties (Rule 5:6A and Appendix IX-A-H).

The State of New Jersey is required by federal law, CFR 303.31(b) to pursue medical support in the establishment of a child support order. If the obligor does not have sufficient health care coverage, the court must order a cash medical provision until such time that coverage is available at an accessible and reasonable cost.

Enforcement of Child Support Orders

For all New Jersey child support cases in which the obligation to provide support and the amount of the obligation are established, New Jersey must take the following judicial and administrative enforcement measures:

- Monitor compliance with the support obligation
- Identify those support cases in which there is a failure to comply with the support obligation on the date the NCP fails to make payments in an amount equal to the support payable for one month (delinquency)
- Enforce the obligation:
    - Initiate income withholding at the time of order establishment, whenever possible
    - Take appropriate enforcement action within no more than 30 calendar days of identifying delinquency/noncompliance or the location of the obligor, whichever

occurs later, if Service of Process is not necessary
- Take action within no more than 60 calendar days of identifying delinquency/noncompliance or the location of the obligor, whichever occurs later, if Service of Process is necessary
- Submit all certified support cases for Federal and State tax refund offset and pursue every other available Title IV-D Federal enforcement measure
- Examine unsuccessful enforcement attempts and determine when to take additional enforcement actions in the future

Forms

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Please note that while the headings for the various data elements on these forms are in both English and Spanish**,** the information itself needs to be in a language acceptable to the responding tribunal. While proper names need no special treatment, care must be taken that other information (e.g., eye color) is translated and that currency of money is identified.

The following chart, ***Forms from the Dominican Republic to New Jersey***, summarizes the forms that need to be sent to New Jersey to process various case actions.

IF THE CLIENT IN THE DOMINICAN REPUBLIC WANTS TO:	COMPLETE THESE BILINGUAL FORMS AND DOCUMENTS
Establish a new (initial) support order in New Jersey, including the Establishment of Paternity	☐ Transmittal & Acknowledgement ☐ Uniform Support Petition ☐ General Testimony (including supporting documentation and evidence) ☐ Affidavit in Support of Establishing Paternity ☐ Locate Person/Assets (when applicable)
Enforce an order or agreement in New Jersey	☐ Transmittal & Acknowledgement ☐ Statement of Arrears ☐ Affidavit of Direct Payments and Possession ☐ Copy of Current Support Order (translated) ☐ Locate Person/Assets (when applicable)
Register and Enforce an existing order from the Dominican Republic in the State of New Jersey	☐ Transmittal & Acknowledgement ☐ Registration Statement ☐ Copy of Current Support Order (translated) ☐ Statement of Arrears ☐ Locate Person/Assets (when applicable)
Register and Modify an existing order from the Dominican Republic in the State of New Jersey	☐ Transmittal & Acknowledgement ☐ Registration Statement ☐ Copy of Current Support Order (translated) ☐ Uniform Support Petition ☐ General Testimony (including supporting documentation and evidence) ☐ Locate Person/Assets (when applicable)
Request Modification of an existing New Jersey Support Order	☐ Transmittal & Acknowledgement ☐ Copy of Current Support Order (translated) ☐ Uniform Support Petition ☐ General Testimony (including supporting documentation and evidence) ☐ Locate Person/Assets
Locate a person or provide information regarding a person's assets in New Jersey	☐ Transmittal & Acknowledgement ☐ Locate Person/Assets
Request status, assistance, or information on existing case or person located in New Jersey	☐ Transmittal & Acknowledgement