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***Convention de La Haye du 25 octobre 1980 sur les aspects civils
de l'enlèvement international d'enfants***

Profil des États

établi par le Bureau Permanent

* * *

***Hague Convention of 25 October 1980 on the Civil Aspects of
International Child Abduction***

Country Profile

drawn up by the Permanent Bureau

*Document d'information No 2 de mars 2011 à l'intention de la
Commission spéciale de juin 2011 sur le fonctionnement pratique de la
Convention Enlèvement d'enfants de 1980 et de la
Convention Protection des enfants de 1996*

*Information Document No 2 of March 2011 for the attention of the
Special Commission of June 2011 on the practical operation of the
1980 Hague Child Abduction Convention and the
1996 Hague Child Protection Convention*

***Convention de La Haye du 25 octobre 1980 sur les aspects civils
de l'enlèvement international d'enfants***

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International Child Abduction***

Country Profile

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Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

FOREWORD TO THE COUNTRY PROFILE

This Country Profile should be used by Contracting States¹ to assist with fulfilment of the obligations contained within Article 7 of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.² In particular, it is anticipated that the Country Profile will help Contracting States fulfil their obligations under Article 7(2) e) and 7(2) i) of the Convention, that is:

- To provide information of a general character on the law of their State in connection with the application of the Convention; and
- To keep other Central Authorities informed regarding the operation of the Convention in their State and to eliminate any obstacles to the Convention's application.

The Country Profile is intended to assist with the practical operation of the Convention. It is hoped that it will facilitate:

- a) information exchanges between Contracting States;
- b) knowledgeable service by Central Authorities under the 1980 Hague Child Abduction Convention;
- c) cost-effective translation of the information provided by Contracting States into English, French, Spanish, and other languages as required by Contracting States; and
- d) prompt updates of the information provided.

NEWLY ACCEDING STATES:

It should be noted that the Country Profile does not replace the "Standard questionnaire for newly acceding States" (available at <www.hcch.net> under "Child Abduction Section" then "Questionnaires and responses"). The Standard Questionnaire provides a means for newly acceding States to describe promptly, and in brief, the measures taken in their State to ensure compliance with their Convention obligations and to ensure the effective practical operation of the Convention in their State. It thereby assists States already Party to the Convention with their decision as to whether to accept an accession.

Newly acceding States are encouraged to complete this full Country Profile as soon as is practicable.

INSTRUCTIONS:

- Please mark the box which best represents the arrangements in your State:
 - Where the response requires either "Yes" or "No", please mark one box only.
 - For all other questions, it may be necessary to mark more than one box.
- Where applicable, please specify the relevant provision(s) of your domestic legislation and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.
- Please complete a separate profile for each territorial unit if there are significant differences in the substance and operation of the laws in each.
- Please note: the information contained in the Country Profile **is of a general nature only**. The purpose of the Country Profile is to assist with the practical operation of the Convention and not to provide a comprehensive picture of the legal system of each Contracting State. Please consider this when completing the Country Profile and when using the Country Profile of other Contracting States. Please contact the relevant Central Authority for clarification or specific advice.
- Contracting States are exclusively responsible for updating the information contained in their Country Profile. However, reminders for updates will be provided by the Permanent Bureau of the Hague Conference on Private International Law.

¹ Any reference to a Contracting State in this Country Profile is a reference to a Contracting State of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

² Hereinafter, "the 1980 Hague Child Abduction Convention", or simply "the Convention".

**1980 Hague Child Abduction Convention
Country Profile**

- Completed Country Profiles will be published on the website of the Hague Conference on Private International Law < www.hcch.net >.
- The Permanent Bureau of the Hague Conference has prepared a number of resources which may assist States in the effective implementation and operation of the Convention, in particular Guides to Good Practice. See < www.hcch.net > under "Child Abduction Section" for further information in this regard.

TERMINOLOGY:

- Whilst it is acknowledged that in some Contracting States the formal applicant to a return or access application under the Convention may be a State authority (see question 10.3 b) below), please note that the term "**applicant**" is used in the Country Profile as follows:
 - (a) In relation to a *return* application, the term "applicant" denotes the person, institution or other body alleging that their actually exercised rights of custody in relation to a child have been breached by the removal or retention of the child, in accordance with Article 3 of the Convention; and
 - (b) In relation to an *access* application, the term "applicant" denotes the person, institution or other body seeking to establish and / or exercise rights of access in relation to a child under Article 21 of the Convention.
- The term "**abducting party**" or "**alleged abducting party**" in the Country Profile refers to the person, institution or other body who has, or is alleged to have, wrongfully removed or retained a child in accordance with Article 3 of the Convention.

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Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

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COUNTRY PROFILE

Country Name: NICARAGUA

Territorial Unit (where applicable):

Last updated:

Part I: Central Authorities

1 Central Authority contact details	
Provide the designation and contact details of the Central Authority to which communications may be addressed. Always check < www.hcch.net > then "Child Abduction Section" and "Central Authorities" for the most current contact details.	
Organisation:	Ministry of Family, Adolescence and Childhood (MIFAN)
Address:	Managua Where Enel Central went, 75 vrs to the south
Territorial and personal extent of functions, if applicable:	Nacional level
Telephone:	(505) 22781620 / (505) 88491184 / (505) 83828155
Fax:	
E-mail:	asuntosinternacionales@mifamilia.gob.ni
Website:	www.mifamilia.gob.ni
Contact person(s) and direct contact details (please indicate language(s) of communication):	Milton David Zeledon Molina / Marlon Roberto Blanco Jiménez Spanish
Preferred method of communication:	<input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (please specify):
OTHER DESIGNATED CENTRAL AUTHORITIES (IF APPLICABLE)	
Please attach additional pages if there is more than one designated Central Authority in your State.	
Organisation:	
Address:	
Territorial and personal extent of functions, if applicable:	
Telephone:	
Fax:	
E-mail:	
Website:	

Contact person(s) and direct contact details (please indicate language(s) of communication):	
Preferred method of communication:	<input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>): _____

2 Language requirements

a) Does the Central Authority prefer applications, communications and other documents sent to them to be accompanied by a translation into the official language(s) of the State? <i>See Article 24</i> <i>See questions 10.3 c) and 17.2 b) below regarding any translation(s) required by the court / administrative authority</i>	<input checked="" type="checkbox"/> Yes, for all communications, applications and other documents. Please specify the official language(s) of the State: <input type="checkbox"/> Not for informal communications <input type="checkbox"/> No
b) Has your State made a reservation in respect of the use of French or English for communications, applications and other documents sent to the Central Authority? <i>See Article 42</i>	<input type="checkbox"/> Yes, object to English <input type="checkbox"/> Yes, object to French <input checked="" type="checkbox"/> No

3 Central Authority operations

a) What are the working days and hours of the Central Authority?	Days of the week open: From Monday to Friday Opening time: 8:00am Closing time: 5:00pm Shut down periods (e.g., public holidays, court closures): January 1, Thursday and Good Friday, May 1, July 19, August 1 and 10, September 14 and 15, December 8 and 25.
b) Can assistance be accessed outside of working hours?	<input checked="" type="checkbox"/> Yes (<i>please specify contact details, if different from above</i>): <input type="checkbox"/> For persons in other Convention States: <input type="checkbox"/> For persons in your State: <input type="checkbox"/> No
c) Does the Central Authority have a dedicated staff who deals <i>only</i> with 1980 Hague Child Abduction Convention applications and related issues?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
d) Please indicate the professions represented in the Central Authority: <i>Please note that some individual staff members may fall under more than one category. This question should not be interpreted as an indication of the number of staff members in the Central Authority</i>	<input type="checkbox"/> Civil servants <input checked="" type="checkbox"/> Civil servants (legal advisors) <input checked="" type="checkbox"/> Lawyers <input type="checkbox"/> Social workers <input type="checkbox"/> Mediators <input type="checkbox"/> Other (<i>please specify</i>): _____

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part II: Relevant legislation

4 International Child Abduction	
4.1 1980 Hague Child Abduction Convention	
a) When did the 1980 Hague Child Abduction Convention enter into force in your State?	Date: 01 / March / 2001
b) Was implementing legislation necessary for the 1980 Hague Child Abduction Convention to enter into force in your domestic law? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> • The date that the legislation entered into force: • The legislative provision(s) or implementing legislation: <input type="checkbox"/> No
c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1980 Hague Child Abduction Convention? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> • The date that the legislation or procedural rules entered into force or effect: • The legislative provision(s) or procedural rules: <input type="checkbox"/> No
4.2 Other agreements on international child abduction	
a) Is your State party to any other international agreements which relate to international child abduction?	<input checked="" type="checkbox"/> Yes: <ul style="list-style-type: none"> <input type="checkbox"/> Brussels II a Regulation (Council Regulation (EC) No 2201/2003 of 27 November 2003) <input checked="" type="checkbox"/> Inter-American Convention of 15 July 1989 on the International Return of Children <input type="checkbox"/> Bilateral agreements (<i>please specify</i>): <input type="checkbox"/> Non-binding memoranda of understanding (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No

5 1996 Hague Child Protection Convention	
a) Is your State a Contracting State to the 1996 Hague Child Protection Convention? <i>Refer to < www.hcch.net > for the status table of the 1996 Hague Child Protection Convention</i>	<input checked="" type="checkbox"/> Yes, if so, on what date did the 1996 Hague Child Protection Convention enter into force in your State: <input type="checkbox"/> No
b) Was implementing legislation necessary for the 1996 Hague Child Protection Convention to enter into force in your domestic law? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> • The date that the legislation entered into force: • The legislative provision(s) or implementing legislation: <input checked="" type="checkbox"/> No

<p>c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1996 Hague Child Protection Convention?</p> <p><i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i></p>	<p><input type="checkbox"/> Yes, please specify:</p> <ul style="list-style-type: none">• The date that the legislation or procedural rules entered into force or effect:• The legislative provision(s) or procedural rules: <p><input checked="" type="checkbox"/> No</p>
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Part III: Applications for return

6 Applications through Central Authorities	
6.1 Outgoing applications (requesting State)	
<p>a) What type of assistance is provided to applicants in your State when completing an application for return under the Convention?</p> <p><i>See Articles 7 and 8</i></p>	<input checked="" type="checkbox"/> Assistance from the Central Authority <input type="checkbox"/> Assistance from another authority <input type="checkbox"/> Referral to a legal representative <input type="checkbox"/> Other (<i>please specify</i>): _____
6.2 Incoming applications (requested State)	
<p>a) What form of application does your State require for an incoming application?</p> <p><i>See Article 8</i></p> <p><i>Please note that the only information actually required by the Convention (Art. 8) is indicated by a cross in the relevant box</i></p>	<input checked="" type="checkbox"/> (1) Model Application Form <i>Available at < www.hcch.net > under "Child Abduction Section"</i> Go to question c) <input type="checkbox"/> (2) Form developed by your State Please specify how this form can be accessed (e.g., website) or attach a copy: Go to question c) <input type="checkbox"/> Both (1) and (2), go to question c) <input type="checkbox"/> The form of the requesting State is accepted, go to question c) <input type="checkbox"/> No particular form is required, go to question b) <input type="checkbox"/> Other, go to question b)
<p>b) If your State does not require a particular form of application, what information or documents does your State request?</p> <p><i>See Article 8</i></p> <p><i>Please note that the only information actually required by the Convention (Art. 8) is indicated by a cross in the relevant box</i></p>	<input checked="" type="checkbox"/> Information concerning the identity of the child: <input type="checkbox"/> Name and previous name/s <input checked="" type="checkbox"/> Date of birth, where available <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Information identifying the child's parents e.g., nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>): _____ <input checked="" type="checkbox"/> Information concerning the identity of the applicant: <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Relationship of the applicant to the child <input type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p><input checked="" type="checkbox"/> Information concerning the identity of the person alleged to have removed or retained the child:</p> <p><input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> The grounds upon which the applicant's claim for return of the child is based</p> <p><input type="checkbox"/> Evidence of the applicant's rights of custody <input type="checkbox"/> An authenticated copy of any relevant decision or agreement <input type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State <input type="checkbox"/> The alleged habitual residence of the child, with supporting information <input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be</p> <p><input type="checkbox"/> Any other relevant document / information <input type="checkbox"/> Concerning any child protection issues <input type="checkbox"/> Marriage certificate (if applicable) <input type="checkbox"/> Divorce decree (if applicable) <input type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input type="checkbox"/> Evidence of child or other relevant person's right to re-enter the State of the child's habitual residence <input type="checkbox"/> Other (<i>please specify</i>):</p>
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	<p><input checked="" type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation:</p> <p><input type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., <i>lawyer</i>) to act on behalf of the applicant?</p> <p><i>See Article 28</i></p>	<p><input checked="" type="checkbox"/> Yes, the authorisation should be provided:</p> <p><input type="checkbox"/> On the application form</p> <p><input checked="" type="checkbox"/> In a signed statement or declaration</p> <p><input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No</p>
<p>e) Does the Central Authority acknowledge receipt of the application?</p>	<p><input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by:</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Facsimile</p> <p><input type="checkbox"/> Post</p> <p><input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No</p>
<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input checked="" type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request</p> <p><input type="checkbox"/> No:</p> <p><input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation</p> <p><input type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken</p> <p><input type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> All of the above</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure the voluntary return of a child allegedly wrongfully removed or retained in accordance with Article 3 of the Convention (hereinafter, simply "the child")?</p> <p><i>Please explain where necessary</i></p> <p><i>See Article 7 c) and Article 10</i></p> <p><i>See also Part V: Mediation and other forms of alternative dispute resolution below</i></p>	<p><input checked="" type="checkbox"/> Contact is made with the alleged abducting party to seek a voluntary return</p> <p><input type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution)</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure the voluntary return of the child (see question h) above)?</p>	<p><i>Please explain:</i> 1. <i>The subtractor or subtractor is located as soon as possible by exceptionally resorting to the police instances for the location.</i></p> <p>2. <i>Appointments are made up to two times and the subtractor is interviewed and if there is no will for voluntary restitution, the application is judicialized.</i></p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>j) What is the role of the Central Authority in taking or causing to be taken provisional measures to prevent further harm to the child? <i>See Article 7(2) b)</i> <i>Refer also to sections 10.5 and 11.2 below</i></p>	<input type="checkbox"/> Alert appropriate agencies where there are concerns that a child is at risk <input checked="" type="checkbox"/> Apply directly to authorities for protection orders <input type="checkbox"/> Refer parties to appropriate agencies <input type="checkbox"/> Other (<i>please specify</i>): _____
<p>k) Can an applicant commence proceedings in your State for the return of the child under the Convention without using the Central Authority channel? <i>See Article 3 and Article 29</i></p>	<input type="checkbox"/> Yes, if so, please explain: <ul style="list-style-type: none"> • Where the applicant can obtain information about commencing proceedings: • What role, if any, the Central Authority has in these proceedings: <input checked="" type="checkbox"/> No

7 Locating a child and preventing removal

For best practice on locating a child and preventing removal, see the Guides to Good Practice under the 1980 Hague Child Abduction Convention available at < www.hcch.net >under "Child Abduction Section" then "Guides to Good Practice". In particular, in relation to preventing removal, see Part III of the Guide to Good Practice on Preventive Measures.

<p>a) Can return proceedings commence before the child is located?</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, in certain circumstances (<i>please specify</i>): _____ <input type="checkbox"/> No
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? <i>Please explain where necessary</i></p>	<input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State): <input checked="" type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State: <input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request: <input type="checkbox"/> Other (<i>please explain</i>): _____
<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of the child? <i>Please indicate in the space provided any associated costs for an applicant or any other necessary information</i> <i>See Article 7(2) a)</i></p>	<input type="checkbox"/> (1) Private location services: <input checked="" type="checkbox"/> (2) Population register: <input checked="" type="checkbox"/> (3) Employment register: <input checked="" type="checkbox"/> (4) Information maintained by other government agencies (e.g., immigration, social welfare): <input checked="" type="checkbox"/> (5) Police: <input checked="" type="checkbox"/> (6) INTERPOL: <input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child: <input type="checkbox"/> (8) Other (<i>please specify</i>): MIFAN
<p>d) Please indicate who is responsible for arranging the measures listed above in question c) by inserting the relevant number next to the responsible person or authority <i>E.g., Central Authority: 2, 3 The applicant's representative: 7</i></p>	Central Authority: 2,3,4,5,6 The applicant: The applicant's representative: Other (<i>please specify</i>): _____

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Please indicate, by inserting the relevant numbers, which of the measures listed above in question c) need an order from a competent authority?	2,3,4,5,6
f) What measures can be taken in your State to deter the removal or re-abduction of the child? <i>Please explain where necessary</i> <i>Refer also to the Guide To Good Practice, Part III – Preventive Measures, available at < www.hcch.net >, particularly to paragraph 3.1 on barriers to international travel</i>	<input checked="" type="checkbox"/> (1) Child's passport(s) to be deposited with authorities <input checked="" type="checkbox"/> (2) Alleged abductor's passport to be deposited with authorities <input checked="" type="checkbox"/> (3) Obtain orders to prevent the removal of the child <input checked="" type="checkbox"/> (4) Issuing border and / or port alerts <input checked="" type="checkbox"/> (5) Requiring the alleged abductor to report periodically to authorities <input type="checkbox"/> (6) Requiring the alleged abductor to pay a bond / deposit <input type="checkbox"/> (7) Temporary placement of child in institutional care <input type="checkbox"/> (8) Other (<i>please specify</i>): _____
g) Please indicate who may apply for the measures listed above in question f) by inserting the relevant number next to the responsible person or authority	Central Authority: MIFAN, 1,2,3,4,5 The applicant: The applicant's representative: Other (<i>please specify</i>): _____
h) Please indicate, by inserting the relevant numbers, which of the measures above in question f) need an order from a competent authority?	1,2,3,4,5

8 Legal representation and assistance

8.1 General

a) Has your State made a reservation to Article 26 of the Convention?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b) Does the Central Authority provide legal advice regarding return applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, however: <input checked="" type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (<i>please specify</i>): _____
c) Is legal representation required in return proceedings? <i>See Article 25</i> <i>Please explain where necessary</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No, but recommended

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>d) What is the role of the Central Authority in arranging legal representation? <i>See Article 7(2) g)</i></p>	<p><input type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Provide the applicant with a list of lawyers <input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers <input type="checkbox"/> Other (<i>please specify</i>): <p><input type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary:</p> <p><input checked="" type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Central Authority lawyers <input type="checkbox"/> Private lawyers <input type="checkbox"/> Public prosecutor <input type="checkbox"/> Other (<i>please specify</i>): <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The legal representation of both the applicant and the subtractor is assumed by the State through the Public Defender's Office, as long as the person who needs the representation service does not have the financial resources to pay for the services of a particular lawyer or lawyer, assessed under the income of a minimum of six hundred US dollars (US \$ 600.00) or its equivalent in cordobas.</p>
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8.2 Free or reduced rate legal assistance

<p>a) Is free or reduced rate legal assistance available to an applicant in return proceedings in your State?</p>	<p><input checked="" type="checkbox"/> Yes, free legal assistance. Go to question c) <input type="checkbox"/> Yes, reduced rate legal assistance. Go to question c) <input type="checkbox"/> No, go to question b)</p>
<p>b) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?</p>	<p><input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> <i>Pro bono</i> legal assistance <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Not at all Go to section 9</p>
<p>c) Is the applicant required to complete an application form for free or reduced rate legal assistance?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how application forms can be obtained (e.g., website) or attach a copy: As a required state, the subtractor who requires the Public Defense services must complete a service request form and as a requesting state, the applicant must sign the public legal representation request form, which for this purpose is provided by the Central Authority. <input type="checkbox"/> No</p>
<p>d) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Income of the applicant <input type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>e) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> (1) Mediation CONCILIATION <input type="checkbox"/> (2) Translation <input type="checkbox"/> (3) Interpreters <input checked="" type="checkbox"/> (4) Service of documents <input checked="" type="checkbox"/> (5) Costs associated with locating the child <input type="checkbox"/> (6) Court fees</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

(7) Travel costs for the return of the child (see question 11.1 c))

(8) Other (*please specify*):

f) Please indicate which costs, if any, are covered by the Central Authority by listing the numbers set out in question e) above?	Conciliation, Location, Notification.
g) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question i) <input checked="" type="checkbox"/> Yes, free legal assistance; go to question h) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question h) <input type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Go to question h)
h) Is a new application for free or reduced rate legal assistance required for appeals?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
i) Is free or reduced rate legal assistance available for proceedings needed to enforce a return order?	<input type="checkbox"/> No, go to question k) <input checked="" type="checkbox"/> Yes, free legal assistance; go to question j) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question j) <input type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Go to question j)
j) Is a new application for free or reduced rate legal assistance required for enforcement applications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k) Is free or reduced rate legal assistance available to an alleged abducting party located in your State?	<input checked="" type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance <p>Please specify in what circumstances and on what basis legal assistance will be granted:</p> <input type="checkbox"/> No
l) Where a child is returned to your State, is free or reduced rate legal assistance available to all parties in the custody proceedings in your State?	<input checked="" type="checkbox"/> Yes, free legal assistance is available to all parties <input type="checkbox"/> Yes, reduced rate legal assistance is available to all parties <p>Please specify in what circumstances and on what basis legal assistance will be granted: The free legal assistance provided by the State is only available when service applicants do not have the financial resources to pay for the legal services of a private lawyer.</p> <input type="checkbox"/> Free legal assistance is only available to certain persons (<i>please specify</i>): <input type="checkbox"/> Reduced rate legal assistance is only available to certain persons (<i>please specify</i>): <p>Please specify in what circumstances and on what basis legal assistance will be granted:</p> <input type="checkbox"/> No, free and / or reduced rate legal assistance is not available to any party <input type="checkbox"/> Other (<i>please specify</i>):

9 Rights of custody	
9.1 Acquisition and exercise of rights of custody	
a) Do rights of custody arise by operation of law in your State? <i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i>	<input checked="" type="checkbox"/> Yes, go to question b) <input type="checkbox"/> No, go to question c)
b) To whom are rights of custody attributed by operation of law? <i>See Articles 3 and 5</i> <i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i>	Please explain: In accordance with articles 267, 269, 270, 274 and 431 of the Nicaraguan Family Code, the parents of children and adolescents while there is no suspension or loss of parental authority, are entitled to exercise the exercise of this. For other relatives a judicial declaration is required.
c) By what other methods can a person or institution acquire rights of custody?	<input checked="" type="checkbox"/> Judicial decision <input type="checkbox"/> Administrative decision <input type="checkbox"/> Agreement having legal effect <input type="checkbox"/> Other (<i>please specify</i>):
d) How, if at all, can the attribution of rights of custody be modified?	<input checked="" type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> By written agreement <input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
e) How, if at all, can rights of custody be terminated?	<input checked="" type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> By written agreement <input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
f) Prior to any order determining the issue, who <i>generally</i> has the right to determine the child's residence?	Please explain: It is up to both parents to decide jointly the residence of the child outside the national territory, unless one of them has lost or suspended parental authority, in which case the decision would be unilateral.

10 Proceedings for Return	
10.1 Organisation of competent authorities	
a) Does your State limit the number of judicial or administrative authorities who can hear return applications under the Convention? (i.e., has your State "concentrated jurisdiction" in respect of applications under the Convention)	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear return applications under the Convention?	Courts / administrative authorities: Administrative Authorities: Only the Ministry of Family, Adolescence and Childhood, who serves as the Central Authority. Judges / decision-makers: Family Judges from all over the country and in places where there are none, Civil Judges. On appeal, the civil and violence court of the Court of Appeals and on cassation, the civil court of the Supreme Court of Justice.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

c) Please list the judicial or administrative authorities that can make decisions in return applications under the Convention	Family Courts throughout the country. On appeal, the civil and violence court of the Court of Appeals and on cassation, the civil court of the Supreme Court of Justice.
d) Are the judges or administrative authorities who decide return applications in your State specialists in either family law or international child abduction? <i>See also section 22 on Training below</i>	<input checked="" type="checkbox"/> Yes, specialists in family law <input type="checkbox"/> Yes, specialists in international child abduction <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):
e) In ascertaining whether there has been a wrongful removal or retention under the Convention, do judicial or administrative authorities in your State take judicial notice of foreign law and decisions without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable in ascertaining whether there has been a wrongful removal or wrongful retention? <i>See Article 14</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):

10.2 Articles 15 and 16 of the Convention

a) In your State is it possible for a decision or other determination to be made, in accordance with Article 15 of the Convention, that the removal or retention of a child was wrongful within the meaning of Article 3? <i>See Article 3 and Article 15</i>	<input type="checkbox"/> Yes, go to question b) <input checked="" type="checkbox"/> No, go to question e)
b) Which authorities in your State can issue Article 15 decisions / determinations? <i>See Article 15</i>	Please list: Central Authority collaborates as much as possible
c) Who can apply for an Article 15 decision / determination?	<input checked="" type="checkbox"/> Central Authority <input type="checkbox"/> The applicant in the return proceedings <input type="checkbox"/> Other (<i>please specify</i>):
d) Are Article 15 decisions / determinations of other States accepted by the judicial or administrative authorities in your State?	<input type="checkbox"/> Yes, <i>please explain if necessary</i> : <input type="checkbox"/> No
e) Who notifies the relevant judicial or administrative bodies that a decision on the merits of rights of custody should not be made until it has been determined that the child should not be returned? <i>See Article 16</i>	<input type="checkbox"/> Central Authority <input checked="" type="checkbox"/> The applicant's legal representative <input type="checkbox"/> Other (<i>please specify</i>): The Family Court Judge
f) When does notification in accordance with Article 16 take place?	<input checked="" type="checkbox"/> Automatically upon receipt of a return application <input type="checkbox"/> Upon request of either party <input type="checkbox"/> Other (<i>please specify</i>):

10.3 Procedures

<p>a) How does the Central Authority fulfil its obligation to initiate or facilitate the initiation of proceedings in your State?</p> <p><i>See Article 7(2) f)</i></p> <p><i>See also question 8.1 d) above</i></p>	<input type="checkbox"/> The Central Authority itself initiates the proceedings for return <input type="checkbox"/> The Central Authority sends the file to an appropriate lawyer <input type="checkbox"/> The Central Authority sends the file to the Public Prosecutor <input checked="" type="checkbox"/> Other (<i>please specify</i>): Once the administrative instance (Location and voluntary restitution agreement) has been exhausted, the Central Authority refers the matter to the Public Defender's Office (in applicable cases), who formally file the International Restitution Claim in court.
<p>b) Who is the formal applicant in return proceedings before the court / administrative authority in your State?</p>	<input type="checkbox"/> The person, institution or other body which made the application under the Convention <input checked="" type="checkbox"/> The Central Authority <input type="checkbox"/> The Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
<p>c) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State?</p> <p><i>See question 2 a) for the official language(s) of the State</i></p>	<input type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: <input type="checkbox"/> No <input checked="" type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>): Nicaragua receives the documentation in the languages established by the Convention, however it prefers the translation into Spanish.
<p>d) Have measures been taken to ensure that the judicial and administrative authorities in your State act expeditiously in return proceedings?</p> <p><i>See Article 11</i></p>	<input checked="" type="checkbox"/> Yes, please explain briefly what the measures are: <input type="checkbox"/> In the implementing legislation: <input type="checkbox"/> In procedural rules: <input checked="" type="checkbox"/> Other (<i>please specify</i>): The State of Nicaragua has a protocol of actions for cases of International Restitution that sets deadlines for actions in administrative headquarters. The Nicaragua Family Code contains procedural rules that ensure the prompt resolution of Family processes in reasonable terms. <p>Please specify how the legislation or rules can be obtained (e.g., website) or attach a copy:</p> <input type="checkbox"/> No
<p>e) Generally, what is the expected time from the commencement of the proceedings for return to a final order (excluding appeals)?</p> <p><i>See Article 11</i></p>	<input type="checkbox"/> Up to 6 weeks <input type="checkbox"/> 6 to 12 weeks <input checked="" type="checkbox"/> More than 12 weeks (<i>please provide further information</i>): The times depend: a) Location of the girl, boy or teenager b) the incidents and exceptions made by the subtractor, as well as the filing of the appeal and appeal. c) automated scheduling for the audience. d) The conditions for the execution of the sentence are favorable
<p>f) Is the applicant generally required to participate in the return proceedings?</p> <p><i>Please note that attendance in person is not required under the Convention (see paragraph 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<input type="checkbox"/> Yes, please specify in what circumstances: <input checked="" type="checkbox"/> No, but advisable <input type="checkbox"/> No
<p>g) Are facilities available to enable the applicant to participate in return proceedings from outside</p>	<input checked="" type="checkbox"/> Yes:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

your State?	<input checked="" type="checkbox"/> Video-conference <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
h) If the applicant does participate in return proceedings in your State, is simultaneous interpretation available, where necessary?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> It depends upon the circumstances of the case (<i>please specify</i>): If you can participate, as long as you assume the interpretation costs.

i) Where the facilities set out in question 10.3 g) and h) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input checked="" type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
j) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend return proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): Prior analysis of the case and according to the Law on Migration and Immigration Law 761. <input type="checkbox"/> No
k) Is it possible for a return application to be decided solely on the basis of the papers i.e., with no court (or administrative authority) hearing at all?	<input type="checkbox"/> Yes <input type="checkbox"/> Yes, but it is unlikely <input checked="" type="checkbox"/> No, there will always be a hearing
l) Can oral evidence (i.e., in-person evidence) be received in return proceedings?	<input checked="" type="checkbox"/> Yes, oral evidence will always be received in return proceedings <input type="checkbox"/> Yes, oral evidence can be received in return proceedings but in limited circumstances only (<i>please specify</i>): <input type="checkbox"/> No, oral evidence can never be received in return proceedings

10.4 Participation of the child

a) Does the child have an opportunity to be heard in return proceedings in your State?	<input type="checkbox"/> Yes, in every case; go to question b) <input checked="" type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary:</i> In accordance with article 378 of the Family Code and article 17 of the Childhood and Adolescence Code, listening to the girl, child and adolescent is mandatory from the age of seven and in the age range below the age of seven, it is a discretionary decision of the judge of the case. Go to question b) <input type="checkbox"/> Only where Article 13(2) is relied upon; go to question b) <input type="checkbox"/> Other (<i>please specify</i>): Go to question b) <input type="checkbox"/> No, never. Go to section 10.5
b) How is the child heard in return proceedings?	<input type="checkbox"/> Direct interview with judge <input type="checkbox"/> Report prepared for court by independent expert <input type="checkbox"/> Child's own legal representative <input checked="" type="checkbox"/> Other (<i>please specify</i>): The right to listen is materialized, depending on the case, either through the judge's interview with the girl, boy and teenager or through the technical advisory team.
c) How does your State ensure that no undue delay results from hearing the child in the course of return proceedings?	<i>Please explain:</i> <i>The Judge of the case holds only special hearing with the girl, boy and adolescent to explore his opinion regarding the process, in addition the degree of maturity that the girl, boy or adolescent has to be taken into account in order to form a judgment of the family conflict.</i>
d) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests in return proceedings?	<input checked="" type="checkbox"/> Yes, please specify under what circumstances: In all cases of abduction, the Judges appoint a Public Defender who looks after the interests of the girl,

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	boy, or adolescent that is intended to be reinstated. <input type="checkbox"/> No
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10.5 Protective measures

- a) Where there are concerns about the care being given to a child in your State, which authorities provide services for the assessment and protection of the child?

Please provide additional information if necessary

On the role of the Central Authority in this respect, see also question 6.2 j) above

- Government social / welfare agency:
- Non-governmental organisations / agencies:
- Central Authority:
- Police:
- Courts:
- Other (*please specify*): Ministry of the Family, adolescence and children in their role as an instance of the State that provides protection to Nicaraguan children, provides an evaluation service and applies protection measures.

- b) What measures are available to ensure the protection of a child in your State (both prior to the initiation of return proceedings and whilst return proceedings are ongoing)?

- 1. Injunctive orders can be placed on the alleged abducting party prohibiting certain forms of conduct e.g., violence, drinking etc.
- 2. Placement of the child in foster care
- 3. Placement of the child in State care
- 4. Supervision of the alleged abducting party's care of the child by a social / welfare agency
- 5. Other (*please specify*):

- c) Which of the above measures require a court order? Please list the relevant numbers from question 10.5 b) above

1,2,3

- d) Who is responsible for applying for any protective measure requiring a court order? Please list next to the relevant individual or body the number of the measure from question b) above, which they are required to apply for

On the role of the Central Authority in this respect, see also question 6.2 j) above

- The applicant: 1,2,3
 - The requesting Central Authority: 1,2,3
 - The requested Central Authority: 1,2,3
 - The Public Prosecutor:
 - The judge (*ex officio*): 1,2,3
 - A government social / welfare agency:
 - The police:
 - Other (*please specify*):
- In accordance with article 463 and 475 of the Family Code, the Attorney General's Office may request protection measures. 1 2 and 3.

10.6 Contact or access during return proceedings

- a) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of the child while return proceedings are pending?

- Yes
- No

10.7 Appeals

- a) Can a decision in return proceedings be appealed?

- Yes
- Only in certain circumstances (*please specify*):

If either of the boxes above are ticked, please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made: The judgment of first instance is appealable, and a collegiate court is aware of this appeal. Appeal may be appealed from the decision issued in Appeal

No, **go to section 11**

b) Is there an expedited procedure or special process of appeal for Hague return cases? <i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
c) Who can initiate the appeal process?	<input checked="" type="checkbox"/> Either party to the proceedings <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
d) Is leave to appeal required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): The appeal can only be filed if the material party shows its disagreement with the resolution and decides to exhaust another instance.
e) If a return order is made, can it be suspended (<i>i.e.</i> , "stayed") pending an appeal?	<input type="checkbox"/> Yes, a return order is <i>automatically</i> suspended pending an appeal <input type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party <input type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party <u>and</u> after determination by the judge / authority <input checked="" type="checkbox"/> No
f) Is there a time limit by which an appeal must be filed in return proceedings?	<input checked="" type="checkbox"/> Yes, please specify: The time limit: The appeal is filed orally at the sentence reading hearing and the court grants the appellant 5 business days to support interests. Arto 544 Family Code. From when the time limit starts to run (<i>e.g.</i> , from the date of judgment, from the date of the order, from the date the decision was notified to the parties etc.): <input type="checkbox"/> No
g) Generally, what is the expected time within which appeals are filed and decided?	<input checked="" type="checkbox"/> Up to 3 months <input type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months
h) Is the applicant generally required to participate in the appeal proceedings? <i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i>	<input type="checkbox"/> Yes, please specify in what circumstances: <input checked="" type="checkbox"/> No, but advisable <input type="checkbox"/> No
i) Are facilities available to enable the applicant to attend appeal proceedings from outside your State?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Video-conference <input checked="" type="checkbox"/> Telephone <input type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): The costs of interpreters are assumed by the interested party
l) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): prior analysis of the case and according to the Law on Migration and Immigration Law 761. <input type="checkbox"/> No

11 Return of the child

11.1 Arrangements for return and the costs of return

a) Who is responsible for making travel arrangements for the return of the child?	<input type="checkbox"/> The abducting party <input type="checkbox"/> The applicant <input type="checkbox"/> The abducting party and the applicant <input checked="" type="checkbox"/> The requesting Central Authority <input checked="" type="checkbox"/> The requested Central Authority <input type="checkbox"/> The judicial or administrative authority will direct who is to make arrangements on a case-by-case basis. Please explain if necessary: The judicial authority in certain cases gives the guidelines for the return (with whom you are traveling, date of travel, etc.) of the child and adolescent to the country of your habitual residence. <input type="checkbox"/> Other (<i>please specify</i>):
b) Who is responsible for the travel costs relating to the return of the child?	<input type="checkbox"/> The abducting party <input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The abducting party and the applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The costs are decided by the judicial or administrative authority on a case-by-case basis. Please explain if necessary: <input type="checkbox"/> Other (<i>please specify</i>):
c) Is there financial assistance available in your State to assist with travel costs associated with the return of the child? <i>See also question 8.2 e)</i>	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
d) Can special immigration arrangements (e.g., visas) be made, where necessary, to enable an applicant to travel to your State to collect a child (following a return order or a voluntary agreement to return the child)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain, if necessary: Prior analysis of the case and according to the Law on Migration and Immigration Law 761.

e) Can special immigration arrangements (e.g., visas) be made, where necessary, for abducting parties and children returning to your State?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain, if necessary: Prior analysis of the case and according to the Law on Migration and Immigration Law 761.
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11.2 Provisions for safe return

See also: Article 7(2) b)

Part VI: Direct judicial communications

Section 6: Applications through Central Authorities

a) Does the law in your State provide for the protection of children from domestic violence or other forms of abuse?	<input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: Law No. 287. Code of Children and Adolescents. Approved on March 24, 1998. Published in La Gaceta, Official Gazette No. 97 of May 27, 1998. https://www.lagaceta.gob.ni/2019/05/097/ <input type="checkbox"/> No
b) Does the law in your State provide for the protection of adults from domestic violence or other forms of abuse?	<input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: Law 779 Integral Law Against Violence Against Women and Reforms to Law 641 "Criminal Code". Published in the Official Gazette No. 19 of January 30, 2014. https://www.poderjudicial.gob.ni/pjupload/leyes/ley%20779%20Integral%20Law%20Against%20Violence%20Against%20Women.pdf . <input type="checkbox"/> No
c) Which authorities provide services for the protection, if necessary, of the child? <i>Please provide additional information if necessary</i>	<input type="checkbox"/> Government social / welfare agency: <input type="checkbox"/> Non-governmental organisations: <input type="checkbox"/> Central Authority: <input type="checkbox"/> Police: <input checked="" type="checkbox"/> Courts: <input checked="" type="checkbox"/> Other (please specify): Ministry of Family, Adolescence and Childhood.
d) What action can the Central Authority in your State take, where necessary, to ensure the safe return of the child? <i>See Article 7(2) h)</i>	Please explain: 1. Accompaniment of the Central Authority to the stalls where the child is delivered to the requesting Central Authority. 2. Accompaniment of the girl, boy or adolescent by the subtractor or another family member on their return to the country of habitual residence. 3. Orders mirrors with regard to measures to protect the life, health and safety of the child or adolescent.

Requested State

e) Where a judge or administrative authority in your State is ordering the return of the child, what can the authority do to create conditions for a safe return? <i>Please explain where necessary</i> <i>Please tick all boxes which apply</i>	<input checked="" type="checkbox"/> Make a protective order or other order designed to prevent harm occurring to the child <input type="checkbox"/> Accept undertakings from either party designed to prevent harm occurring to the child Please specify the subject-matter of, and any limitations on, the undertakings the authority can accept: <input type="checkbox"/> Other (please specify):
f) Where a judge or administrative authority in your State takes measures to create conditions for a safe return, what can the authority do to ensure compliance with those measures?	<i>Please specify:</i> Follow up on the orders issued, support to the beneficiary of the measure and coordination between central authorities to ensure compliance with the measures.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Requesting State	
<p>g) Can judicial or administrative authorities in your State:</p> <ul style="list-style-type: none"> i. Recognise and enforce protective orders or other orders made in the requested State designed to prevent harm occurring to the child? ii. Insist upon undertakings given in the requested State being carried out? iii. Make any "mirror orders" necessary as a result of protective measures taken in the requested State? 	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain where necessary: Nicaragua has ratified the Convention on competition, applicable law, recognition of execution and cooperation in parental responsibility and child protection measures of October 19, 1996; which will take effect on December 1, 2019.</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> It depends upon the subject-matter of the undertakings given</p> <p>Please explain where necessary:</p> <p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain where necessary:</p>
11.3 Criminal law and the return of the child	
<p>a) Is the wrongful <i>removal</i> of a child by a parent from your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> It depends upon the circumstances of the case, please specify: In accordance with the provisions of art. 218 of the Criminal Code of Nicaragua, when the abuser is a family member, other than the parents of the child or adolescent, commits the offense of child or incapable child abduction, as well as in the circumstances provided for in article. 14 of Law 779 "Comprehensive Law Against Violence Against Women and Amendments to Law No. 641 Criminal Code". Law No. 641. Criminal Code of Nicaragua. Official Gazette published Nos. 83, 84, 85, 86 and 87 of May 5, 6, 7, 8 and 9, 2008. https://www.lagaceta.gob.ni/2014/02/032/ and Law 779 Integral Law Against Violence Against Women and Reforms to Law 641 "Criminal Code". Published in the Official Gazette No. 19 of January 30, 2014. http://www.poderjudicial.gob.ni/pjupload/leyes/ley%20779%20Integral%20Law%20Against%20Violence%20Against%20Women.pdf.</p> <p><input type="checkbox"/> No</p>
<p>b) Is the wrongful <i>retention</i> of a child by a parent outside your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> It depends upon the circumstances of the case, please specify: As clarified in the previous question, the procedural treatment that is applied is family court, without prejudice to the interested party making use of the criminal authorities.</p> <p><input type="checkbox"/> No</p> <p>If the answer to both question 11.3 a) and b) is "no", go to section 12</p>
<p>c) What penalties are available for the wrongful removal or wrongful retention of a child by a parent?</p>	<p><input type="checkbox"/> (1) Pecuniary measures <input checked="" type="checkbox"/> (2) Imprisonment <input type="checkbox"/> (3) Other (<i>please specify</i>):</p>
<p>d) Please indicate which of the penalties listed above are mandatory</p>	

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Can criminal proceedings in your State proceed without a complaint being presented (e.g., by the applicant to the return proceedings or any other concerned person / body)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, please specify:
f) Once initiated, can criminal proceedings in your State be withdrawn or suspended to facilitate the return of a child?	<input checked="" type="checkbox"/> Yes, please specify: According to the nature of the process, the parties may be given the opportunity to mediate during the process and from that perspective the prosecution of the criminal action may be suspended, provided that the agreements reached are complied with <input type="checkbox"/> No, go to section 12
g) Who is able to initiate the withdrawal or suspension of criminal proceedings relating to the wrongful removal or wrongful retention of a child?	<input checked="" type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
h) Who will determine whether the criminal proceedings are to be withdrawn or suspended?	<input checked="" type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input checked="" type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
i) What assistance can the Central Authority provide regarding the suspension or withdrawal of criminal proceedings?	<input checked="" type="checkbox"/> None <input type="checkbox"/> Refer the matter to prosecuting authority <input type="checkbox"/> Other (<i>please specify</i>):

12 Enforcement of return orders

For best practice in relation to the enforcement of return orders, see the Guide to Good Practice, Part IV – Enforcement available at < www.hcch.net >under "Child Abduction Section" then "Guides to Good Practice".

a) What procedure may be used to enforce a return order?	<input checked="" type="checkbox"/> Directions by a judicial or administrative authority to make arrangements for return <input type="checkbox"/> Measures for the immediate execution of final orders <input type="checkbox"/> Issue of a warrant for the apprehension or detention of the child <input type="checkbox"/> Authority for coercive detention or use of force <input type="checkbox"/> Other (<i>please specify</i>):
b) Who is generally responsible for exercising supervision over the process of enforcement?	<input type="checkbox"/> The applicant <input checked="" type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> Police <input type="checkbox"/> No one body has general responsibility <input type="checkbox"/> Other (<i>please specify</i>):
c) Where parties do not voluntarily comply with a return order, is it necessary to commence additional proceedings to enforce the order?	<input checked="" type="checkbox"/> Yes, go to question d) <input type="checkbox"/> It depends on the circumstances (<i>please specify</i>): Go to question d) <input type="checkbox"/> No, go to Part IV: Applications relating to access
d) What is the procedure to commence enforcement proceedings?	<input type="checkbox"/> The Central Authority will apply for enforcement <input checked="" type="checkbox"/> The applicant must apply for enforcement

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Other (<i>please specify</i>):
e) Can the merits of the proceedings for return be reviewed in enforcement proceedings?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f) What coercive measures, if any, are available to enforce a return order?	<input type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare</i>) <input type="checkbox"/> Removal of the child from the abducting party <input type="checkbox"/> Removal of the child from the State <input type="checkbox"/> Criminal charges <input type="checkbox"/> Imprisonment <input type="checkbox"/> Pecuniary measures <input type="checkbox"/> An order placing the child under supervision <input checked="" type="checkbox"/> Other (<i>please specify</i>): In accordance with article 558 of the Family Code, the judicial authority shall order the measures that are more convenient to guarantee the respect and safeguard of the interests and rights than the resolution to execute guardianship. The judge will use his intellectual solvency, humanistic training and the general principles of law.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part IV: Applications relating to access

13 Applications through Central Authorities	
13.1 Outgoing applications (requesting State)	
a) What assistance is available to applicants in your State in the preparation of outgoing access applications? <i>See Articles 7 and 21</i>	<input checked="" type="checkbox"/> Assistance from the Central Authority to apply under Article 21 <input type="checkbox"/> Assistance from another authority or body to apply under Article 21 <input type="checkbox"/> Referral to a legal representative for assistance to apply under Article 21 <input type="checkbox"/> Other (<i>please specify</i>):
13.2 Incoming applications (requested State)	
a) Has your State developed a specific form for access applications under the Convention?	<input type="checkbox"/> Yes Please specify how this form can be accessed (e.g., website) or attach a copy: Go to question c) <input checked="" type="checkbox"/> No, go to question b)
b) If your State does not require a particular form for access applications, what information or documents are requested?	<input type="checkbox"/> Information concerning the identity of the child: <input checked="" type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth, where available <input checked="" type="checkbox"/> Address <input checked="" type="checkbox"/> Telephone number <input checked="" type="checkbox"/> Nationality / nationalities <input checked="" type="checkbox"/> Passport number(s) <input checked="" type="checkbox"/> Physical description (height, eye and hair colour) <input checked="" type="checkbox"/> Photograph (as recent as possible) <input checked="" type="checkbox"/> Information identifying the child's parents e.g., nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Information concerning the identity of the applicant: <input checked="" type="checkbox"/> Name and previous name/s <input checked="" type="checkbox"/> Date of birth <input checked="" type="checkbox"/> Address <input checked="" type="checkbox"/> Telephone number <input checked="" type="checkbox"/> Nationality / Nationalities <input checked="" type="checkbox"/> Passport number(s) <input checked="" type="checkbox"/> Relationship of the applicant to the child <input checked="" type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Information concerning the identity of the person with whom the child is presumed to be (the proposed respondent to the application): <input checked="" type="checkbox"/> Name and previous name/s <input checked="" type="checkbox"/> Date of birth <input checked="" type="checkbox"/> Address <input checked="" type="checkbox"/> Telephone number <input checked="" type="checkbox"/> Nationality / nationalities

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p><input type="checkbox"/> Passport number(s)</p> <p><input checked="" type="checkbox"/> Physical description (height, eye and hair colour)</p> <p><input type="checkbox"/> Photograph (as recent as possible)</p> <p><input checked="" type="checkbox"/> Relationship of the person to the child</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> The grounds upon which the applicant's claim for access to the child is based</p> <p><input checked="" type="checkbox"/> Evidence of the applicant's rights of access (whether obtained by operation of law, or otherwise)</p> <p><input checked="" type="checkbox"/> An authenticated copy of any relevant decision or agreement</p> <p><input checked="" type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be</p> <p><input type="checkbox"/> Any other relevant document / information</p> <p><input checked="" type="checkbox"/> Concerning any child protection issues</p> <p><input checked="" type="checkbox"/> Marriage certificate (if applicable)</p> <p><input checked="" type="checkbox"/> Divorce decree (if applicable)</p> <p><input checked="" type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable)</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	<p><input checked="" type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation: For the request for the right to visit, the same form of the International Subtraction Request is used and must be submitted through the Central Authority of the requesting country. The attached documents must be scanned and preferably translated into Spanish.</p> <p><input type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., <i>lawyer</i>) to act on behalf of the applicant? <i>See Article 28</i>	<p><input checked="" type="checkbox"/> Yes, the authorisation should be provided:</p> <p><input type="checkbox"/> On the application form</p> <p><input checked="" type="checkbox"/> In a signed statement or declaration</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
e) Does the Central Authority acknowledge receipt of the application?	<p><input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by:</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Facsimile</p> <p><input type="checkbox"/> Post</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

f) Can the Central Authority proceed with an application where the information provided is incomplete?	<input checked="" type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request <input type="checkbox"/> No: <input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation <input type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken <input type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>): <input type="checkbox"/> Other (<i>please explain</i>):
g) Who does the Central Authority prefer to communicate with in incoming applications?	<input checked="" type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The applicant <input type="checkbox"/> The applicant's legal representative <input type="checkbox"/> All of the above <input type="checkbox"/> Other (<i>please specify</i>):
h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure agreement between parties in international access cases? <i>See Article 21</i> <i>See Part V: Mediation and other forms of alternative dispute resolution</i>	<input checked="" type="checkbox"/> Contact is made with the respondent to the application <input type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution) <input type="checkbox"/> Other (<i>please specify</i>):
i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure an agreement between parties in international access cases (see question h) above)?	<p><i>Please explain: The defendant is located as soon as possible by exceptionally resorting to the police instances for the location.</i></p> <p><i>2. Appointment is made up to two times and the respondent is interviewed and if there is no will regarding the organization of the right to visit, the request is prosecuted.</i></p>
j) What general assistance can be provided by the Central Authority in respect of arrangements for rights of access? <i>See Article 21</i>	<input checked="" type="checkbox"/> The Central Authority can facilitate contact with the parties: <input type="checkbox"/> Directly through the Central Authority <input type="checkbox"/> Through intermediaries <input checked="" type="checkbox"/> The Central Authority can provide information to the applicant on services available, e.g., mediation, legal services, social welfare services (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):
k) Will the Central Authority's assistance depend on: <i>See paragraph 4.6 of the General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children (available at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice") recommending that Central Authorities should make their services available in all cases where cross-frontier contact rights of parents and children are in issue</i>	<input type="checkbox"/> Existence of a judicial or administrative order establishing or confirming rights of access <input checked="" type="checkbox"/> Other (<i>please specify</i>): It will depend on the fact that the right of visit is attributed to the applicant either by mere right or by a judicial decision or administrative agreement. The requesting Central authority must prove that the applicant is in exercise of the requested right.

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

I) Can an applicant commence proceedings in your State with respect to access without using the Central Authority channel?	<input type="checkbox"/> Yes; if so, please explain: <ul style="list-style-type: none"> • Where an applicant can obtain information about commencing proceedings: • What role, if any, the Central Authority has in these proceedings: <input checked="" type="checkbox"/> No
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14 Locating a child and preventing removal

a) Are the responses to the questions in this section the same as for applications for return (see section 7)?	<input checked="" type="checkbox"/> Yes, go to section 15 <input type="checkbox"/> No, continue to question b)
b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? <i>Please explain where necessary</i>	<input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State): <input type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State: <input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request: <input type="checkbox"/> Other (<i>please explain</i>):
c) What mechanisms or sources of information are available in your State to discover the whereabouts of a child who is the subject of an access application? <i>Please indicate in the space provided any associated costs for the applicant or any other necessary information</i>	<input type="checkbox"/> (1) Private location services: <input type="checkbox"/> (2) Population register: <input type="checkbox"/> (3) Employment register: <input type="checkbox"/> (4) Information maintained by other government agencies (e.g., <i>immigration, social welfare</i>): <input type="checkbox"/> (5) Police: <input type="checkbox"/> (6) INTERPOL: <input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child: <input type="checkbox"/> (8) Other (<i>please specify</i>):
d) Please indicate who is responsible for arranging the measures indicated above in question c) by listing the relevant number next to the responsible person or authority <i>E.g., Central Authority: 2, 3 The applicant's representative: 6</i>	Central Authority: The applicant: The applicant's representative: Other (<i>please specify</i>):
e) Please indicate by listing numbers which of the measures above in question c) need an order from a competent authority?	

15 Legal representation and assistance

15.1 General

a) Are the responses to the questions in this section the same as for applications for return (see section 8)?	<input checked="" type="checkbox"/> Yes, go to section 15.2 <input type="checkbox"/> No, continue to question b)
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b) Does the Central Authority provide legal advice regarding access applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No, however: <input type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (<i>please specify</i>): _____
c) Is legal representation needed in access proceedings? <i>Please explain where necessary</i>	<input type="checkbox"/> Yes <input type="checkbox"/> No, but advisable <input type="checkbox"/> No
d) What is the role of the Central Authority in making arrangements to progress the application? <i>See Article 7(2) g)</i>	<input type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: <input type="checkbox"/> Provide the applicant with a list of lawyers <input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers <input type="checkbox"/> Other (<i>please specify</i>): _____ <input type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary: <input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by: <input type="checkbox"/> Central Authority lawyers <input type="checkbox"/> Private lawyers <input type="checkbox"/> Public prosecutor <input type="checkbox"/> Other (<i>please specify</i>): _____ <input type="checkbox"/> Other (<i>please specify</i>): _____

15.2 Free or reduced rate legal assistance

a) Are the responses to the questions in this section the same as for applications for return (see section 8.2)?	<input checked="" type="checkbox"/> Yes, go to section 16 <input type="checkbox"/> No, go to question b)
b) Is free or reduced rate legal assistance for access applications available for applicants located in another Contracting State?	<input type="checkbox"/> Yes, free legal assistance; go to question d) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question d) <input type="checkbox"/> No; go to question c)
c) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?	<input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> Pro bono legal assistance <input type="checkbox"/> Other (<i>please specify</i>): _____ <input type="checkbox"/> Not at all Go to section 16
d) Is the applicant required to complete an application form for free or reduced rate legal assistance?	<input type="checkbox"/> Yes. Please specify how application forms can be obtained (e.g., website) or attach a copy: <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i>	<input type="checkbox"/> Income of the applicant <input type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input type="checkbox"/> Other (<i>please specify</i>):
f) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i>	<input type="checkbox"/> (1) Mediation <input type="checkbox"/> (2) Translation <input type="checkbox"/> (3) Interpreters <input type="checkbox"/> (4) Service of documents <input type="checkbox"/> (5) Costs associated with locating the child <input type="checkbox"/> (6) Court fees <input type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c)) <input type="checkbox"/> (8) Other (<i>please specify</i>):
g) Please list the corresponding numbers of the costs, if any, listed in question f) which are covered by the Central Authority?	
h) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question j) <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
i) Is a new application for free or reduced rate legal assistance needed for appeals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
j) Is free or reduced rate legal assistance available for proceedings needed to enforce an access order?	<input type="checkbox"/> No, go to section 16 <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
k) Is a new application for free or reduced rate legal assistance needed for enforcement applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No

16 Rights of access

16.1 Determining rights of access

a) Which legislation in your State governs the establishment and exercise of rights of access? <i>See Article 5</i>	<p>Please specify how legislation can be accessed (e.g., website) or attach a copy: The Family Code (Articles 281, 282 and 283 and article 27 of the Code of Childhood and Adolescence ". In the context of international relations and visits, articles relating to the right to visit that regulates the Convention on The Hague of 1980, as well as the Inter-American Convention of International Restitution.</p> <p>Law No. 287. Code of Children and Adolescents. Approved on March 24, 1998. Published in La Gaceta, Official Gazette No. 97 of May 27, 1998. https://www.lagaceta.gob.ni/2019/05/097/ Law 870 "Family Code". Law 870. Official Gazette published, No. 190 of October 8, 2014 https://www.lagaceta.gob.ni/2014/10/190/</p>
b) Which judicial and / or administrative authorities can make decisions with respect to rights of access?	<p>Specialized Family Courts and civil and local Courts where there is no specialized Court.</p> <p>The Ministry of Family, Adolescence and Childhood, may, according to the Family Code, reconcile in matters of communication and visitation.</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

c) In your State, who may seek rights of access in respect of a child?	<input checked="" type="checkbox"/> Parent <input type="checkbox"/> Step-parent <input checked="" type="checkbox"/> Grandparent <input checked="" type="checkbox"/> Other family member (<i>please specify</i>): The Family code in article 281 extends the right of visits to other family members, both in the paternal and maternal lines. The code of Childhood and adolescence in the article. 27, recognizes the right of parents, grandparents and other relatives to maintain regular relationships with children and adolescents. <input type="checkbox"/> Other (<i>please specify</i>):
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<p>d) Are the best interests of the child a primary consideration in access proceedings?</p> <p><i>See Articles 3 and 9 of the United Nations Convention on the Rights of the Child</i></p> <p><i>Please explain, if necessary</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, please specify what are the primary considerations:
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16.2 Exercising rights of access

<p>a) Where necessary, what guarantees and safeguards do your courts or administrative authorities have to enable them to secure rights of access for children and applicants?</p>	<input type="checkbox"/> Surrender of passport or travel documents <input type="checkbox"/> Applicant to regularly report to police or other authority <input type="checkbox"/> Deposit of a monetary bond or surety <input type="checkbox"/> Supervised contact <input type="checkbox"/> Placing restrictions on how contact is exercised <input type="checkbox"/> Signing an affidavit or religious oath <input type="checkbox"/> Provision of a detailed itinerary with contact details <input type="checkbox"/> Requesting foreign consulates / embassies should not issue new passports / travel documents for the child <input checked="" type="checkbox"/> Other: <p>In Nicaragua, precautionary measures are not limited, on the contrary, art. 459 of the Family Code establishes an enumerative and non-restrictive list of the types of measures.</p>
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16.3 Supervised access

<p>a) Do facilities exist in your State for the exercise of rights of access in a supervised environment?</p>	<input checked="" type="checkbox"/> Yes, please explain if necessary: <p>In Nicaragua, supervised visits can be ordered during working hours and the Ministry of Family in its different delegations collaborates for this. Nicaragua does not have meeting points to effect parental conflicts in conflict.</p> <input type="checkbox"/> No, go to section 17
<p>b) Under what circumstances is access supervised?</p>	<input type="checkbox"/> Where it is agreed between the parties <input type="checkbox"/> Where it is requested by one party <input type="checkbox"/> As a result of a decision by a social welfare agency <input checked="" type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> Other (please specify):
<p>c) Which authorities provide supervised access?</p>	<input type="checkbox"/> Government social / welfare agency: <input type="checkbox"/> Non-government organisations: <input type="checkbox"/> Central Authority: <input type="checkbox"/> Police: <input checked="" type="checkbox"/> Courts: <input type="checkbox"/> Other (please specify):
<p>d) Who will pay the costs associated with exercising supervised access?</p>	<input checked="" type="checkbox"/> The applicant <input type="checkbox"/> The person(s) with day to day care of the child <input type="checkbox"/> The Central Authority <input type="checkbox"/> It depends upon the order of the judicial or administrative authority <input type="checkbox"/> Other (please specify):

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

17 Proceedings for access / contact

17.1 Organisation of competent authorities

<p>a) Does your State limit the judicial or administrative authorities who can hear access applications under the Convention? (i.e., has your State "concentrated jurisdiction" in respect of access applications under the Convention?)</p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<p>b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear access applications under the Convention?</p>	<p>Courts / administrative authorities: Ministry of Family, Adolescence and Childhood at the central level. Judges / decision-makers: Family, civil and local judges only where there is no Specialized Court. On appeal, the civil and violence court of the Court of Appeals and on cassation, the civil court of the Supreme Court of Justice.</p>
<p>c) Which courts or administrative authorities can make decisions in applications relating to access under the Convention?</p>	<p>Family, civil and local judges only where there is no Specialized Court. On appeal, the civil and violence court of the Court of Appeals and on cassation, the civil court of the Supreme Court of Justice.</p>
<p>d) Are the judges or administrative authorities who decide access applications in your State specialists in family law? <i>See also section 22 on Training below</i></p>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):

17.2 Procedures

<p>a) Is a special procedure applied by judicial or administrative authorities to access applications made under Article 21 of the Convention? <i>Please explain where necessary</i></p>	<input type="checkbox"/> Yes: <input checked="" type="checkbox"/> No: In the same request
<p>b) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State? <i>See question 2 a) for the official language(s) of the State</i></p>	<input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: Nicaragua made no reservation in this regard, however, because Spanish is the official language, it is recommended that the documentation attached be translated by the interested party and thus abbreviate the times. <input type="checkbox"/> No <input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):
<p>c) Generally, how long are proceedings relating to access from commencement to final order (excluding appeals)?</p>	<input type="checkbox"/> Up to 6 weeks <input type="checkbox"/> 6 to 12 weeks <input checked="" type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months
<p>d) Is the applicant generally required to participate in proceedings relating to access? <i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<input type="checkbox"/> Yes, please specify in what circumstances: <input checked="" type="checkbox"/> No, but advisable <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Are facilities available to enable an applicant to participate in access proceedings from outside your State?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Video-conference <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
f) If the applicant does participate in access proceedings in your State, is simultaneous interpretation available, where necessary?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
g) Where the facilities set out in questions e) and f) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): If the Courts have the necessary devices in this regard, there are no costs, otherwise they are the responsibility of the applicant.
h) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend access proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): Prior analysis of the case and in accordance with the provisions of Law 761 "General Law on Migration and Foreigners" <input type="checkbox"/> No

17.3 Participation of the child

a) Are the responses to the questions in this section the same as for applications for return (see section 10.4)?	<input checked="" type="checkbox"/> Yes, go to section 17.4 <input type="checkbox"/> No, continue to question b)
b) Does the child have an opportunity to be heard in access proceedings under the Convention in your State?	<input type="checkbox"/> Yes, always; go to question c) <input type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary:</i> Go to question c) <input type="checkbox"/> Other (<i>please specify</i>): Go to question c) <input type="checkbox"/> No, never; go to section 17.4
c) How can the child be heard in access proceedings?	<input type="checkbox"/> Direct interview with judge <input type="checkbox"/> Report prepared for court by independent expert <input type="checkbox"/> Child's own legal representative <input type="checkbox"/> Other (<i>please specify</i>):
d) How does your State ensure that no undue delay results from hearing the child in the course of access proceedings?	Please explain:
e) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests?	<input type="checkbox"/> Yes, please specify under what circumstances: <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

17.4 Appeals

a) Can a decision in applications relating to access be appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Only in certain circumstances (<i>please specify</i>): <p>If either of the boxes above are ticked, please specify how many levels of appeal exist and to which courts / authorities an appeal may be made: The judgment of first instance is appealable, and a collegiate court is aware of this appeal. Appeal may be appealed from the decision issued in Appeal.</p> <input type="checkbox"/> No, go to section 18
b) Is there an expedited procedure or special process of appeal for Hague access cases? <i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
c) Who can initiate the appeal process?	<input checked="" type="checkbox"/> Either party to the proceedings <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
d) Is leave to appeal required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): The appeal can only be filed if the material party shows its disagreement with the resolution and decides to exhaust another instance.
e) If an access order is made, can it be suspended (<i>i.e.</i> , "stayed") pending an appeal?	<input type="checkbox"/> Yes, an access order is <i>automatically</i> suspended pending an appeal <input type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party <input type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party and after determination by the relevant judge / authority <input checked="" type="checkbox"/> No
f) Is there a time limit by which an appeal must be filed in access proceedings?	<input checked="" type="checkbox"/> Yes, please specify: <p>The time limit: The appeal is filed orally at the hearing or sentence reading, as the case may be and the Judicial grants the appellant 5 days to support his interests before the superior who knows and resolves the appeal. (art. 544 of the Family Code)</p> <p>From when the time limit starts to run (<i>e.g.</i>, from the date of judgment, from the date of the order, from the date the decision is notified to the parties etc.):</p> <input type="checkbox"/> No
g) Generally, what is the expected time within which appeals are filed and decided?	<input checked="" type="checkbox"/> Up to 3 months <input type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>h) Is the applicant generally required to participate in appeal proceedings?</p> <p><i>Please note that attendance in person is not required under the Convention (see paragraph 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<p><input type="checkbox"/> Yes, please specify in what circumstances:</p> <p><input checked="" type="checkbox"/> No</p>
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Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

i) Is the applicant able to participate in proceedings without being physically present?	<input checked="" type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> Video-conference <input checked="" type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): The costs of interpreters are assumed by the interested party
l) Can special immigration arrangements (e.g., visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes, please specify: Prior analysis of the case and in accordance with the provisions of Law 761 "General Law on Migration and Foreigners" <input type="checkbox"/> No

18 Enforcement of rights of access

a) Can an order relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	<input type="checkbox"/> Yes, all orders made in another State are recognised and are enforceable. Please explain or specify how relevant legislation can be accessed (e.g., website) or attach a copy: <input checked="" type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify: <input type="checkbox"/> Brussels II a (Council Regulation (EC) 2201/2003 of 27 November 2003) <input checked="" type="checkbox"/> 1996 Hague Child Protection Convention <input checked="" type="checkbox"/> Other (<i>please specify</i>): Exequatur <input type="checkbox"/> Yes, subject to conditions. Please explain or specify how relevant legislation can be accessed (e.g., website) or attach a copy: <input type="checkbox"/> No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities <input type="checkbox"/> No
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Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

b) Can an agreement relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	<input type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify: <input type="checkbox"/> Brussels II a (Council Regulation (EC) 2201/2003 of 27 November 2003) <input checked="" type="checkbox"/> Other (<i>please specify</i>): Depending on the scope given to that agreement, the one that would have to be approved by the competent Authority of the requesting country, as long as the scope of the agreement does not contravene with our legislation. <input type="checkbox"/> Yes, subject to conditions. Please explain: <input type="checkbox"/> No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities <input type="checkbox"/> No
c) Can a party seek to have orders made in your State in respect of a decision from another State on rights of access?	<input type="checkbox"/> Yes, the party must apply to the judicial or administrative authorities <input checked="" type="checkbox"/> Yes, the Central Authority will apply to the judicial or administrative authorities on behalf of the party <input type="checkbox"/> No
d) What is the procedure for the applicant to commence enforcement proceedings?	<input checked="" type="checkbox"/> The Central Authority can apply for enforcement on behalf of the applicant <input type="checkbox"/> The applicant must seek enforcement <input type="checkbox"/> Other (<i>please specify</i>):
e) What coercive measures, if any, are available to enforce an order relating to access and contact?	<input type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare, etc.</i>) <input type="checkbox"/> Removal of the child from the custodial person(s) <input type="checkbox"/> Criminal charges <input type="checkbox"/> Imprisonment <input type="checkbox"/> Pecuniary measures <input type="checkbox"/> An order placing the child under supervision <input checked="" type="checkbox"/> Other (<i>please specify</i>): In accordance with article 558 of the Family Code, the judicial authority shall order the measures that are more convenient to guarantee the respect and safeguard of the interests and rights than the resolution to execute guardianship. The judge will use his intellectual solvency, humanistic training and the general principles of law.
f) Does the application of coercive measures require a separate order from judicial or administrative authorities?	<input type="checkbox"/> Yes. If so, who must apply for the order: <input type="checkbox"/> The applicant <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Police <input type="checkbox"/> Other (<i>please specify</i>) <input checked="" type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part V: Mediation and other forms of alternative dispute resolution

19 Mediation	
<p>For best practice in relation to mediation in the context of the 1980 Hague Child Abduction Convention see the forthcoming Guide to Good Practice on Mediation under the 1980 Hague Child Abduction Convention. When published, the Guide will be available to download at < www.hcch.net >under "Child Abduction Section" then "Guides to Good Practice".</p>	
19.1 Mediation services	
a) What family matters can be dealt with by mediation in your State?	<input checked="" type="checkbox"/> Return / non-return of a child following an alleged wrongful removal / retention <input checked="" type="checkbox"/> Custody <input checked="" type="checkbox"/> Access / contact <input checked="" type="checkbox"/> Relocation <input checked="" type="checkbox"/> Child support <input checked="" type="checkbox"/> Property disputes on relationship breakdown <input type="checkbox"/> Other (please specify):
b) What mediation services / structures exist in your State where an incoming application has been received for the return of a child? See Articles 7(2) c) and 10	<input type="checkbox"/> Private mediation services / structures (please specify): <input checked="" type="checkbox"/> Mediation services / structures within the judicial or administrative system (please explain): The Family code in art. 524 establishes that one of the purposes of the initial hearing is the conciliation between the parties. In the administrative headquarters, a voluntary restitution agreement can also be achieved. <input type="checkbox"/> Mediation services / structures provided by NGOs (please specify the NGO and give brief details of the service they provide): <input type="checkbox"/> Other (please explain): <input type="checkbox"/> There are no mediation services / structures available
c) What mediation services / structures exist in your State where an incoming application has been received for access / contact with a child? See Article 21	<input type="checkbox"/> Private mediation services / structures (please specify): <input checked="" type="checkbox"/> Mediation services / structures within the judicial or administrative system (please explain): I Family code in art. 524 establishes that one of the purposes of the initial hearing is the conciliation between the parties. In the administrative headquarters, an agreement for the organization of the right to visit can also be achieved. <input type="checkbox"/> Mediation services / structures provided by NGOs (please specify the NGO and give brief details of the service they provide): <input type="checkbox"/> Other (please explain): <input type="checkbox"/> There are no mediation services / structures available If you answered that there are no mediation services / structures available in your State in response to both questions b) and c) above, go to section 20
d) Is co-mediation (i.e. mediation involving two mediators – one from each State) available in your State for the mediation of international family disputes which are within the scope of the	<input type="checkbox"/> Yes (please provide brief details of any available scheme e.g., bi-national mediation programmes): <input checked="" type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Convention?	
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Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

19.2 Legislation and / or rules on mediation

- a) Is mediation in family matters regulated in your State?

Please tick all boxes which apply

EU Member States, excluding Denmark, should note that Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters will apply from May 2011. EU Member States, excluding Denmark, should reference the laws, regulations and administrative provisions brought into force to comply with this Directive if known at the time of completion of this Country Profile

- Yes, there is general legislation relating to mediation which also applies to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy:
- Yes, there is specific legislation relating to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy: As alternative dispute resolution methods in family law matters, Nicaragua has the conciliation that operates both in judicial and administrative headquarters. In Nicaragua there is a mediation and arbitration law that does not apply to family conflicts.
- Law 870 "Family Code". Law 870. Official Gazette published, No. 190 of October 8, 2014
<https://www.lagaceta.gob.ni/2014/10/190/>
- Yes, there is specific legislation relating to mediation in international family matters within the scope of the Convention. Please specify how the legislation can be accessed (e.g., website) or attach a copy:
- Yes, mediation in family matters is regulated in another way (*please specify*):
- No, **go to section 19.3**

- b) Please indicate which matters are regulated by the legislation / rules in relation to mediation in your State

Please explain where necessary

- Formal accreditation of mediators
- Necessary qualifications / experience of mediators
- Process of mediation Conciliation
- Confidentiality of mediation
- Status and enforceability of mediated agreements
- Taking into consideration the child's views in the mediation of disputes relating to him / her
- Availability of mediation in disputes involving allegations of domestic violence or other forms of abuse
- Other (*please explain*):

19.3 Access to mediation

- a) How can individuals obtain information identifying suitable mediators in your State?

- Lists of mediators are available:
- Through the Central Authority (*see also question 19.3 b) below*)
- Via accrediting bodies (*please provide details*):
- Through other sources (*please specify*):
- Other methods of accessing information are available (*please specify*):
- No general information is available. Individuals must carry out research themselves

- b) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for the return of a child?

See Articles 7(2) c) and 10

Please explain where necessary

- Provides information about mediation to the parties
- Refers parties to accredited professionals to undertake mediation
- Seeks orders from judicial or administrative authorities for mediation between the parties
- Other (*please explain*)

<p>c) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for access / contact with a child?</p> <p><i>See Article 21</i></p> <p><i>Please explain where necessary</i></p>	<input checked="" type="checkbox"/> Provides information about mediation to the parties <input type="checkbox"/> Refers parties to accredited professionals to undertake mediation <input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties <input type="checkbox"/> Other (<i>please explain</i>)
<p>d) How are the costs of mediation met in disputes where an incoming application has been received for the return of a child?</p> <p><i>Please explain if necessary</i></p>	<input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 8.2 e) above) <input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 8.2 e) above) (<i>please specify</i>) <input type="checkbox"/> The Central Authority will meet the costs associated with mediation <input type="checkbox"/> Other sources of funding are available (<i>please specify</i>) <input type="checkbox"/> The costs of mediation must be borne by the parties <input checked="" type="checkbox"/> Other (<i>please explain</i>) Because the reconciliation is carried out in administrative headquarters and in judicial headquarters, there are no costs for these services provided.
<p>e) How are the costs of mediation met where an incoming application has been received for access / contact with a child?</p> <p><i>Please explain if necessary</i></p>	<input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 15.2 f) above) <input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 15.2 f) above) (<i>please specify</i>) <input type="checkbox"/> The Central Authority will meet the costs associated with mediation <input type="checkbox"/> Other sources of funding are available (<i>please specify</i>) <input type="checkbox"/> The costs of mediation must be borne by the parties <input checked="" type="checkbox"/> Other (<i>please explain</i>) Because the reconciliation is carried out in administrative headquarters and in judicial headquarters, there are no costs for these services provided.

19.4 The mediation process

<p>a) At what stage of a return application is mediation available?</p>	<input type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>) <input type="checkbox"/> Only before an application has been made to the relevant Central Authority <input checked="" type="checkbox"/> Only after an application has been made to the relevant Central Authority <input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Other (<i>please explain</i>)
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b) At what stage of an access / contact application is mediation available?	<input type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>) <input type="checkbox"/> Only before an application has been made to the relevant Central Authority <input checked="" type="checkbox"/> Only after an application has been made to the relevant Central Authority <input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority <input type="checkbox"/> Other (<i>please explain</i>)
c) Are cases assessed to determine their suitability for mediation?	<input type="checkbox"/> Yes, always; go to question d) <input checked="" type="checkbox"/> No, never; go to question e) <input type="checkbox"/> Other (<i>please explain</i>) ; go to question d) or e) as appropriate
d) Who carries out the assessment of cases to determine whether they are suitable for mediation?	<input type="checkbox"/> Mediator(s) <input type="checkbox"/> Other (<i>please explain</i>)
e) Where legal proceedings have commenced, can such proceedings be suspended while mediation is undertaken?	<input checked="" type="checkbox"/> Yes, provide additional information if necessary: The conciliation in judicial headquarters and of family competence constitutes a transversal axis in the whole process and if the process can be suspended to reconcile at the request of all part according to article 450 of the Family Code. If agreements are not reached, the judicial process continues in the procedural stage in which it was before the conciliation. <input type="checkbox"/> No
f) How, if at all, are the views of the subject child(ren) taken into account in mediation in your State? <i>See also question 19.2 b) above</i>	<input checked="" type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the child must be seen by the mediator (<i>see also question 19.2 b) above</i>) <input type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the views of the child must be communicated to the mediator but this need not be directly (<i>see also question 19.2 b) above</i>). Please explain the method(s) used <input type="checkbox"/> It is within the discretion of the particular mediator <input type="checkbox"/> The child's views play no part in the mediation <input checked="" type="checkbox"/> Other (<i>please explain</i>) In judicial and administrative headquarters, the opinion of children and adolescents is always considered in these cases.
g) What safeguards are available in your State where allegations of domestic violence and / or other forms of abuse are made in a dispute which goes to mediation?	<input checked="" type="checkbox"/> (1) Address and other contact details of the alleged victim are kept confidential <input checked="" type="checkbox"/> (2) Other safeguards (<i>please specify</i>) Article 49 of the Family Code empowers family judges to take appropriate measures to prevent, protect and eradicate violence. Nicaragua has legislation to protect women against violence (Law 779).
h) Please specify which, if any, of the safeguards set out in question 19.4 g) above are required by rules / legislation in your State and which safeguards are left to the discretion of the mediator? <i>See also question 19.2 b) above</i>	Required by legislation / rules of State: Articles 49 and 51 of the Family Code and article 24 of Law 779. Left to the discretion of the mediator:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

i) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of a child while mediation is ongoing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
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19.5 The enforceability of mediated agreements

a) Are there legal restrictions on the content of mediated agreements regarding family law matters in your State?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
b) Which additional formalities, if any, are required in your State to make mediated agreements in a family dispute involving children enforceable?	<input type="checkbox"/> (1) Notarisation of the mediated agreement <input type="checkbox"/> (2) Court approval of the mediated agreement Please specify competent court: <input type="checkbox"/> (3) Registration of the mediated agreement with the court. Please specify competent court: <input checked="" type="checkbox"/> (4) Other (<i>please specify</i>) No formality is required, but at the time of going to court the parties must present the certification of the agreement reached, which has a favorable economic cost, when required a second time, which must be assumed by the parties. <input type="checkbox"/> (5) No additional formalities are required. Mediated agreements in family disputes involving children are immediately enforceable <i>without</i> any additional formalities being required If you ticked one or both of options (2) or (3) above, please go to question 19.5 c). If not, please proceed to question 19.5 d)
c) Is the mediated agreement, once approved by or registered with a court, treated as an order of that court? <i>Please explain where necessary</i>	<input type="checkbox"/> Yes, Go to question 19.5 e) <input type="checkbox"/> No, Go to question 19.5 d)
d) Is it possible to turn a mediated agreement into a court order?	<input checked="" type="checkbox"/> Yes, please briefly explain what steps are required and which court would be competent: Article 578 of the Family Code. 1. The agreement is certified, 2. Application for enforcement before the competent court. <input type="checkbox"/> No
e) Who bears the cost of rendering the mediated agreement enforceable? Please list the number from question 19.5 b) next to the relevant answer	The parties must pay: 4 The cost is covered by any free or reduced rate legal assistance provided to one / both parties: Central Authority: There are no costs:

19.6 Agreements mediated in another State

a) Can an agreement mediated in another State in a family dispute involving children be approved by a court or otherwise formalised in your State in the same manner as an agreement mediated in your State (see question 19.5 b) above)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No, a different method for formalising the agreement must be used. Please specify: <input type="checkbox"/> No, it is not possible to formalise an agreement mediated in another State <input type="checkbox"/> Other (<i>please specify</i>):
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20 Other forms of alternative dispute resolution ("ADR")

<p>a) What other forms of ADR are available in your State for the resolution of international family disputes falling within the scope of the Convention?</p> <p><i>See Articles 7(2) c) and 10</i></p>	<input checked="" type="checkbox"/> (1) In-court conciliation <input checked="" type="checkbox"/> (2) Out-of-court conciliation <input type="checkbox"/> (3) Collaborative law <input type="checkbox"/> (4) Early Neutral Evaluation <input checked="" type="checkbox"/> (5) Other (<i>please specify</i>): Notarized agreement previously approved <input type="checkbox"/> (6) No other forms of ADR are available, go to Part VI: Direct judicial communications
<p>b) What services / structures exist in respect of the other forms of ADR available in your State? Please list the relevant number(s) from question 20 a) above next to the service / structure which is available in respect of that method of ADR</p>	<p>Private ADR services / structures (<i>please specify</i>): ADR services / structures within the judicial or administrative system (<i>please explain</i>): 1 and 2 MIFAN and Family Courts.</p> <p>ADR services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>):</p> <p>Other (<i>please explain</i>): 5 Our legislation allows the parties to go before a notary to sign agreements and then approve them in judicial and administrative life.</p>
<p>c) In relation to:</p> <ul style="list-style-type: none"> • legislation on ADR • access to ADR • the ADR process • the enforceability of agreements reached as a result of ADR; and • the enforceability of agreements reached as a result of ADR in another State <p>are the responses the same as for the section on mediation above – see sections 19.2 to 19.6?</p>	<input checked="" type="checkbox"/> Yes, go to Part VI: Direct judicial communications <input type="checkbox"/> Some of the responses are the same, go to question d) <input type="checkbox"/> No, go to question d)
<p>d) Please briefly specify in what way the answers to the questions in sections 19.2 to 19.6 above are different in relation to other forms of ADR in your State</p>	

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part VI : Direct judicial communications

21 Direct judicial communications	
a) Has a member of the International Hague Network of Judges been designated for your State? For more information, go to < www.hcch.net > under "Child Abduction Section" then "Judicial Communications"	<input checked="" type="checkbox"/> Yes Name/s: <i>Please do not list the contact details of the judge(s) here. Instead, please ensure that the name, position, court and contact details have been provided to the Permanent Bureau</i> <input type="checkbox"/> No
b) Is there a legislative basis upon which judges in your State can engage in direct judicial communications?	<input checked="" type="checkbox"/> Yes, please specify how the legislation can be accessed (e.g., website) or attach a copy: The Family Code in article 515, empowers notifications through judicial assistance, using modern means of communication. In accordance with article 20 of the Family Code, it refers to international treaties conflicts related to the international abduction of children and adolescents. Go to Part VII: Other information <input type="checkbox"/> No, go to question c)
c) In the absence of legislation, can judges in your State engage in direct judicial communications?	<input type="checkbox"/> Yes <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Part VII: Other information

22 Training	
a) What measures are being taken to ensure that persons responsible for implementing the Convention (e.g., judges, lawyers and Central Authority personnel) have received appropriate information and training? <i>Please contact the Permanent Bureau for information in relation to forms of assistance which may be available for this purpose</i>	<input checked="" type="checkbox"/> Training as required for Central Authority staff <input checked="" type="checkbox"/> Training as required for responsible authorities <input checked="" type="checkbox"/> Updates as required on legal developments related to the Convention provided to staff responsible for its implementation <input checked="" type="checkbox"/> Training as required for lawyers <input checked="" type="checkbox"/> Training as required for law enforcement <input type="checkbox"/> Other (please specify): Specifically in respect of judges: <input checked="" type="checkbox"/> Sending a basic package of information on the 1980 Convention to judges <input checked="" type="checkbox"/> Training through a dedicated judicial studies board <input checked="" type="checkbox"/> Participation in judicial training seminars <input checked="" type="checkbox"/> Participation in the International Hague Network of Judges <input type="checkbox"/> Accessing <i>The Judges' Newsletter on International Child Protection</i> (available at < www.hcch.net > under "Child Abduction Section" then "Judges' Newsletter on International Child Protection") <input type="checkbox"/> Other (please specify):
b) Is your Central Authority willing to participate in a "twinning arrangement" with another Central Authority? <i>A "twinning arrangement" is where two Central Authorities engage in discussions and / or visits to exchange information with the view to improving operations in both Central Authorities</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

23 Other implementing measures	
a) Does your State use iChild? For more information, go to < www.hcch.net > under "Child Abduction Section" then "iChild"	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b) Does your State use another electronic case management system other than iChild?	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
c) Does your State use INCSTAT? For more information, go to < www.hcch.net > under "Child Abduction Section" then "INCSTAT"	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
d) Does your State use INCADAT? For more information, go to < www.incadat.com >	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

e) Are statistics related to applications under the Convention in your State publicly available?	<input checked="" type="checkbox"/> Yes, please specify how the statistics can be accessed (e.g., website, annual report): HCCH <input type="checkbox"/> No
--	--

24 Other services

- a) What general services / resources are available in your State to assist those involved in international child abduction cases?

Please indicate, where available, contact details, websites and costs for such services

- International Social Service (ISS) (*please provide contact information*):
- Specific NGOs dealing with child abduction:
- Financial assistance:
- Social / welfare assistance: MIFAN
- Immigration services: prior analysis of the case and in accordance with Law 761, on Migration and Foreigners.
- Other (*please specify*):



**CORTE SUPREMA
de
JUSTICIA**

PROTOCOLO DE ACTUACIONES PARA LA APLICACIÓN DE LAS NORMAS INTERNACIONALES EN MATERIA DE SUSTRACCION Y RESTITUCION INTERNACIONAL DE NIÑOS, NIÑAS Y ADOLESCENTES EN EL AMBITO DEL DERECHO DE FAMILIA.

Comisión Redactora del Protocolo de Restitución Internacional.

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PROTOCOLO DE ACTUACIONES PARA LA APLICACIÓN DE LAS NORMAS INTERNACIONALES EN MATERIA DE SUSTRACCION Y RESTITUCION INTERNACIONAL DE NIÑOS, NIÑAS Y ADOLESCENTES EN EL AMBITO DEL DERECHO DE FAMILIA.

CONSIDERANDOS

1. Que la Constitución Política de la Republica de Nicaragua en el artículo 71, reconoce los derechos de la niñez y la adolescencia establecidos en la Convención Internacional sobre los Derechos del Niño y la Niña.
2. Que la Convención Internacional sobre los Derechos del niño y de la niña, establece en el artículo 11 que “Los Estados Partes Adoptaran medidas para luchar contra los traslados ilícitos de niños al extranjero y la retención ilícita de niños en el extranjero. Para este fin, los Estados Partes promoverán la concertación de acuerdos bilaterales o multilaterales o la adhesión a acuerdos existentes”.
3. Que Nicaragua ha aprobado y ratificado la **Convención de la Haya sobre los Aspectos Civiles de la Sustracción Internacional de Menores¹** en el año 2000. Así mismo la **Convención Interamericana para la Restitución Internacional de menores²** en el año 2003. Ambos instrumentos internacionales tienen la finalidad de garantizar el retorno de los niños, niñas y adolescentes, que hayan sido sustraído o retenido ilícitamente fuera del lugar de residencia habitual, de igual manera se garantizará el derecho de visita conforme a la finalidad de los Convenios.
4. Que el Código de la Niñez y la Adolescencia, aprobado y vigente desde el año 1998, establece en su artículo 28. “Las niñas, niños y adolescentes no serán trasladados ni retenidos ilícitamente dentro o fuera del territorio por sus madres, padres o tutores, lo que estará sujeto a los tratados internacionales suscritos por Nicaragua y a las leyes vigentes del país”, así mismo en su artículo 29 señala que: “Las niñas, niños y adolescentes tienen derecho a salir del país sin más restricciones que las establecidas por la ley”.

¹ Adhesión Nicaragua por Decreto No. 54- 2000, Gaceta No. 113 del 15 de Junio del 2000. Aprobado por Nicaragua Decreto No. 81 – 2000, Gaceta No. 171 del 8 de Septiembre del 2000.

² Adhesión Nicaragua Decreto No. 58 – 2002, Gaceta No. 118 del 25 de Junio del 2002. Aprobado por Nicaragua Decreto AN No. 3509 aprobado el 20 de Marzo del 2003.

5. Que el Código de Familia, en su artículo 20 establece la aplicación de los Tratados Internacionales para la restitución de niños, niñas y adolescentes que de manera ilegal hayan sido trasladados o retenidos en país distinto al de su residencia habitual.

TITULO I.-

PRINCIPIOS DE APLICACIÓN.

CAPITULO UNICO.- PRINCIPIOS RECTORES

Arto. 1.- Interés Superior del niño, niña y adolescente. Aplicar las medidas que favorezcan su pleno desarrollo físico, psicológico, moral, cultural, social, en consonancia con la evolución de sus facultades y que le beneficie en su máximo grado, según lo disponen los artículos 9 y 10 del Código de la Niñez y la Adolescencia, artos. 7 y 440 del Código de Familia y artículos del 3 al 6 de la Convención Internacional de los derechos del Niño y la Niña.

Arto. 2.- Participación y derecho a ser escuchado. Las niñas, niños y adolescentes son sujetos sociales y tienen derecho de participar activamente en todas las esferas de la vida, a ser escuchados en todo procedimiento judicial o administrativo que les afecte sus derechos y libertades, a participar en todo proceso de protección especial que los involucre en razón de su edad y madurez, según lo preceptúan los artículos 448 del Código de Familia, Artos. 3, 15 inc., d, e y g, 16 y 17 del Código de la Niñez y la Adolescencia y arto. 12 de la Convención Internacional de los derechos el Niño y la Niña.

Arto. 3.- No Discriminación. El Estado tiene el deber de proteger y velar por la dignidad de niños, niñas y adolescentes, en su jurisdicción, sin importar la edad, sexo, religión, origen o pertenencia étnica, color, idioma, opinión política, etc., al tenor de los artículos 5 y 8 del Código de la Niñez y la Adolescencia, Arto. 2 de la Convención Internacional de los derechos el Niño y la Niña y artos. 27 y 75 de la Constitución Política de Nicaragua.

Arto. 4.- Identidad Cultural. Se reconoce el derecho a vivir y desarrollarse bajo las formas de organización social que corresponden a sus tradiciones, su propia vida cultural, educativa, religión, costumbres, idioma y respetando su estatus quo, según lo señalan los artículos 37, párrafo II del Código de Familia y artos. 8 y 13 del Código de la Niñez y la adolescencia.

Arto. 5.- Supervivencia y Desarrollo. Niñas, niños y adolescentes tienen el derecho intrínseco a la vida y a la protección del Estado a través de políticas que le permitan la supervivencia y desarrollo integral en condiciones de

existencia digna, al tenor del artículo 76 de la Constitución Política de Nicaragua, arto. 12 del Código de la Niñez y la adolescencia.

Arto. 6.- Igualdad. Todos los niños, niñas y adolescentes son iguales y gozan de los mismos derechos y garantías universales inherentes a la persona humana sin ningún tipo de distinción, conforme lo señalan los artículos 27 y 75 de la Constitución Política de Nicaragua, arto. 449 del Código de Familia y arto.4 de la Convención Internacional de los derechos del niño y la niña.

Arto. 7.- Privacidad y Confidencialidad. En cualquiera de los casos atendidos, se garantizará la confidencialidad por parte de las y los funcionarios de las instituciones involucradas. Sin perjuicio de la colaboración recíproca entre las instituciones, conforme lo preceptuado en los artículos 447 Código de Familia, arto. 14 de la Convención Internacional de los derechos del niño y la niña.

Arto. 8.- La no re victimización de la niñez y la adolescencia. En la aplicación de los convenios internacionales y Protocolo, se deben garantizar medidas y acciones necesarias que eviten daño a la integridad física, moral y psicológica de los Niños, Niñas y Adolescentes, al tenor de los artículos 483 lit. g, del Código de Familia.

Arto. 9.- El respeto a los derechos de convivencia familiar. Las autoridades involucradas en la aplicación del presente protocolo, deberán privilegiar la permanencia del niño, niña y adolescente en su entorno familiar, **respetando siempre el estatus quo** de estos, conforme lo establecen los artículos 278 y 283 del Código de Familia, arto. 6 y 7 de la Convención Internacional de los derechos del niño y la niña.

Arto. 10.- La corresponsabilidad familiar y comunitaria. En la búsqueda de restituir los derechos de niñas, niños y adolescentes, las instituciones realizarán las coordinaciones interinstitucionales e intersectoriales necesarias a través de las cuales se comparta la responsabilidad con la familia, la comunidad y la sociedad en general, de acuerdo a los artículos 70 de la Constitución Política de Nicaragua, arto. 2. (a), y 442 del Código de Familia y arto. 7 de la Convención Internacional de los derechos del niño y la niña.

Arto. 11.- El Estado es garante de los Derechos de la Niñez y la Adolescencia. La aplicación de las normas internacionales contenidas en los Convenios de Sustracción y Restitución con relación a niñas, niños y adolescentes es responsabilidad del Estado mediante la promoción, aplicación de políticas, programa y proyectos en el marco del reconocimiento pleno de los derechos humanos de conformidad a los artículos 76 Constitución Política de Nicaragua, arto. 2. (a) del Código de Familia, Arto. de 4 Convención Internacional de los derechos del niño y la niña) y considerandos IV y V del Código de la Niñez y la adolescencia.

Arto. 12.- Gratuidad. Es un principio esencial por medio del cual se aplican los mecanismos y acciones de restitución de derechos en condiciones de igualdad y sin costo económico en Nicaragua, que afecten los intereses de la niña, niño o adolescente, a excepción de los costos de retorno que deberán ser asumidos por el sustractor, caso contrario, exista acuerdo entre las partes.

La representación legal será asumida por la Defensoría Pública sin costo alguno para las partes que lo requieran, sin perjuicio de la representación que por ley tiene la Procuraduría de la familia en relación al niño, niña y adolescente, al tenor de los artos. 451, 469 y 475 del Código de Familia.

Arto. 13.- Inmediatez. La autoridad Administrativa y Judicial asumirá la dirección del proceso de que trata el presente protocolo de forma directa conforme las facultades atribuidas a cada autoridad, en los artículos 438, 487 y 557 del Código de Familia.

Arto. 14.- Flexibilidad: Se garantizará la aplicación de los procedimientos evitando los formalismos y tecnicismos que puedan violentar el interés superior de la niña, niño o adolescente y facilitando la tramitación expedita de estos procesos conforme el arto. 446 Código de Familia.

Arto. 15.- Celeridad. La aplicación de los Procedimientos que se establecen en este protocolo, evitarán la prolongación de los plazos, eliminando trámites e incidentes y las excepciones procesales superfluas, cuyos efectos posterguen la restitución de derechos de conformidad con los artículos 2 y 11 de la Convención de Sustracción y arto. 438 del Código de Familia.

Arto. 16.- Oralidad: El procedimiento a aplicar en el presente protocolo, se estará a lo establecido en el Código de Familia, libro VI.-“ De los Procesos de Familia. Código de Familia” con las especificidades propias de la naturaleza del derecho a tutelar.

Arto. 17.- Ultrapetitividad. Implica la posibilidad de que las autoridades judiciales y administrativas restituyan los derechos de niñas, niños o adolescentes, aún cuando no hayan sido invocados en la demanda o solicitud conforme al artículo 487 (i) del Código de Familia.

Arto. 18.- Oficiosidad. Implica la facultad de las autoridades judiciales y administrativas de conducir los trámites de oficio desde el inicio del proceso, al tenor del artículo 439 Código de Familia.

Arto. 19.- Debido proceso. Se garantiza la intervención a las partes involucradas e Instituciones Públicas relacionadas, asegurando además una efectiva tutela jurídica en la representación de los niños, niñas y adolescentes sujetos a restitución internacional. Conforme al artículo 34. (4) (9) y 183

Constitución Política de Nicaragua, artículos 443, 451 Código de Familia y artículo 11 de la Convención Internacional de los derechos del niño y la niña.

Arto. 20.- Abordaje Integral. Implica la búsqueda de mejores condiciones y recursos de todo tipo para mantener el máximo estado de bienestar de niñas, niños y adolescentes independientemente de su condición, a fin de poder garantizarle sus derechos, conforme al artículo 437 Código de Familia.

Arto. 21.- Abordaje Interdisciplinario. Implica el derecho que tienen niñas, niños y adolescentes a recibir la atención desde las diferentes disciplinas y recursos humanos especializados, para la búsqueda del bienestar físico y emocional en el ámbito individual, familiar y comunitario conforme al artículo. 441 Código de Familia.

Arto. 22.- Los procesos administrativos y judiciales son orales y públicos. Las instituciones públicas o privadas y todas las personas que de forma directa o indirecta tengan conocimiento de estos casos, podrán celebrar audiencia a puerta cerrada y que las actuaciones sean reservadas siempre que las circunstancias lo ameriten. Según lo establece el artículo. 447 Código de Familia

TÍTULO II

INSTITUCIONES

Capítulo Único

Instituciones Públicas Involucradas

Arto. 23.- Ministerio de la Familia, Adolescencia y Niñez. (Autoridad Central). Es la institución del Poder Ejecutivo que promueve, previene y acompaña las acciones para la restitución de los derechos de la población entre ellos:

23.1.- Restitución de derechos de los niños y niñas, los cuales se atenderán con un enfoque integral cumpliendo con las normas establecidas en el Código de la niñez y adolescencia³, código de Familia⁴ y Ley de Organización, competencia y Procedimiento del Poder Ejecutivo.⁵

23.2.- Fortalecimiento y articulación de planes de trabajo interinstitucionales en la línea del sistema de bienestar social, garantizando la coherencia y la más acertada focalización en las intervenciones.

³ Ley No. 287, publicada en la gaceta No. 27 del 27 de Mayo de 1998.

⁴ Ley 870, publicado en la gaceta No. 190 del 8 de Octubre del 2014

⁵Ley de organización, competencia y procedimiento del poder Ejecutivo publicada en la gaceta No. 102 del 3 de Junio del año 1998.

Arto. 24.- Corte Suprema de Justicia: Es el órgano encargado de Impartir justicia de forma imparcial, eficiente, transparente, oportuna, humana; asegurando el acceso a la misma de conformidad con la Constitución Política y las Leyes de la República.⁶

Arto. 25.- Ministerio de Gobernación.- Dirección General de Migración y Extranjería: Este Ministerio Contribuye a la formulación y aplicación de las políticas del Estado Nicaragüense, en materia de Orden Público. Prevención del Delito, Derechos Humanos, Materia Migratoria, de conformidad con las leyes nacionales y los convenios internacionales que regulan la libre movilidad de las personas.⁷

Arto. 26.- Policía Nacional: La Policía Nacional tiene como principales funciones Proteger la vida, la integridad, la seguridad de las personas y el ejercicio de los derechos y libertades de los Nicaragüenses; asimismo es responsable de la prevención y persecución del delito, la preservación del orden público y social interno, velar por el respeto y preservación de los bienes propiedad del estado y particulares, brindar auxilio al Poder Judicial y a otras autoridades que lo requieran conforme al ley para cumplimiento de sus funciones.⁸

Arto. 27.- Ministerio de Relaciones Exteriores: Protege los intereses de los nicaragüenses en el extranjero, de conformidad con la Constitución Política de la Nación, la legislación nacional, con las normas y los principios del Derecho Internacional⁹.

Arto. 28.- Defensoría Pública: Es un órgano que depende de la Corte Suprema de Justicia y que goza de autonomía funcional. Por medio de esta institución se pretende coadyuvar en la realización del Estado Social y Democrático de Derecho y consecuentemente con la democratización del país, la igualdad de las personas, el debido proceso y el derecho de defensa.¹⁰

⁶ Constitución Política 1987 y sus reformas; título V publicada en la gaceta No. 5 del 9de enero del año 1987.

⁷ Ídem 3.

⁸ Ley de la Policía Nacional. Publicada en la gaceta No. 162 del 28 de agosto del año 1996

⁹ Ley de organización, competencia y procedimiento del poder Ejecutivo publicada en la gaceta No. 102 del 3 de Junio del año 1998.

¹⁰ Ídem 3.

TÍTULO III.- DE LA FINALIDAD Y ALCANCE

Arto. 29.- Alcance de aplicación: El presente Protocolo será aplicable para todo niño, niña y adolescente que no hayan cumplido los 16 años de edad, de acuerdo al Convenio sobre los Aspectos Civiles de la Sustracción Internacional de Menores y Convención Interamericana para la Restitución Internacional de menores.

Este protocolo tiene la finalidad de garantizar el retorno de los niños, niñas y adolescentes que hayan sido sustraídos o retenido ilícitamente fuera del lugar de residencia habitual, en violación del derecho de custodia o de visitas otorgado por Ley, por sentencia judicial, por resolución administrativa o por acuerdo entre las partes, según el derecho interno del estado requirente.

Arto. 30.- Competencia. El procedimiento de restitución internacional y derecho a visita de niños, niñas y adolescentes, se tramitara en sede administrativa¹¹ y jurisdiccional en los casos que proceda.

La autoridad competente para conocer el procedimiento administrativo en la Restitución Internacional y el derecho de Visita de los niños, niñas y adolescente, que tengan su lugar de residencia habitual en Nicaragua, es la Autoridad Central¹².

El procedimiento como estado requerido o estado requirente abarcan tres etapas: a) **solicitud**, b) **seguimiento** y c) **recibimiento** o entrega.

TÍTULO IV DEL PROCEDIMIENTO DE RESTITUCIÓN INTERNACIONAL COMO ESTADO REQUIRENTE

Arto. 31.- Casos en los que procede. El procedimiento como Estado requirente se iniciará cuando un niño, niña o adolescente que tenga su residencia habitual en Nicaragua, independientemente de la nacionalidad, haya sido trasladado o esté siendo retenido de manera ilícita en el exterior. La persona interesada en solicitar la restitución internacional deberá presentar la solicitud inicialmente ante la autoridad central de Nicaragua.¹³

ARTO. 32.- SOLICITUD DE RESTITUCIÓN INTERNACIONAL

La solicitud de Restitución Internacional, se presentará ante la Autoridad Central del país Requierente y están legitimados para hacerla:

- El padre o la madre del niño, niña o adolescente que ha sido sustraído.

¹¹ Según Acuerdo presidencial No. 157, 2007 publicado en la gaceta No. 54 del 16 de marzo del año 2007 - La autoridad central para estos convenios es el Ministerio de la Familia.

¹² Ídem 11.

¹³ Ídem 10.

- La persona natural o jurídica a quien haya sido otorgada la custodia, cuido y crianza del niño, niña o adolescente mediante una sentencia judicial o resolución administrativa.
- La persona natural o jurídica que este ejerciendo conforme al derecho interno la custodia, cuido y crianza de un niño, niña o adolescente. La Autoridad Central será la competente para acreditar el estatus quo del niño, niña y adolescente, antes de la sustracción, en ausencia de resolución administrativa o sentencia judicial que lo avale, siempre y cuando sea solicitado por el Estado requerido.

Arto. 33.- Formas de interposición. La solicitud será interpuesta de forma escrita ante la Autoridad Central o en cualquiera de sus delegaciones, para lo cual se llenara el formulario estandarizado internacionalmente, con lo cual inicia el expediente administrativo. La Autoridad Central, deberá asistir al solicitante en el llenado del formulario de Restitución Internacional o Derecho a visita y observar que se cumplan los requisitos documentales anexos al formulario y cualquier otro medio de prueba que fundamente la solicitud.

Cuando la solicitud de Restitución Internacional o derecho de visita se reciba en una delegación departamental o municipal de la autoridad central, se remitirá la misma a la Dirección correspondiente establecida por la autoridad central, en un plazo de una semana después de presentada la solicitud. El formulario será firmado por el solicitante y debidamente sellado y firmado por la dirección correspondiente.

Arto. 34.- Disponibilidad de formulario.

El formulario de solicitud de Restitución Internacional o de derecho de visita estará disponible en las oficinas de la autoridad central o en la página web de la conferencia de la Haya de derecho privado, www.hcch.net

ARTO. 35.- VERIFICACIÓN DE REQUISITOS Y REGISTRO DE LA SOLICITUD:

Se inicia el procedimiento administrativo una vez que el solicitante complete los datos del formulario, adjunte la documentación requerida, en original o fotocopias. Y se revise la pertinencia o no de los mismos. El expediente deberá de llevar su caratula, estar ordenado y foliado en orden cronológico según se reciban los documentos, designándole un número de expediente en el registro de la autoridad central.

ARTO. 36.- REMISIÓN DE SOLICITUD A LA AUTORIDAD CENTRAL REQUERIDA

La solicitud podrá ser remitida vía correo electrónico entre autoridades centrales o cualquier otro medio aprobado por el Estado de Nicaragua, o bien adjuntando toda la documentación impresa anexa a la solicitud de restitución o derecho a

visita a través del Ministerio de Relaciones Exteriores. En la remisión de documentos, se debe solicitar acuso recibo de la Autoridad Central Requerida.

ARTO. 37.- SEGUIMIENTO DEL PROCESO DE RESTITUCIÓN INTERNACIONAL EN EL PAÍS REQUERIDO

37.1.- Seguimiento en el proceso administrativo. Es el acompañamiento que deberá brindar la Autoridad Central Requiere al solicitante de Restitución Internacional, la que se lleva a cabo atendiendo los principios de prevención de menor daño posible al niño, niña y adolescente, colaborando de la siguiente manera:

- a) Mantener la comunicación entre la Autoridad Central Requiere con la Autoridad Central Requerida, con el propósito de estar informado sobre el estado del proceso en el extranjero.
- b) Remitir la información y documentos que fueren necesarios durante la tramitación del proceso.
- c) Informar al solicitante de las actuaciones de la Autoridad Central Requerida, a fin de garantizar su participación y colaboración en el proceso.
- d) Participar en entrevistas u otras diligencias que la Autoridad Central Requerida solicite, haciendo uso de los distintos medios de comunicación disponibles institucionalmente.

37.2.- Seguimiento en el proceso Judicial

En caso de que se inicie un proceso judicial en el Estado Requerido, el Estado de Nicaragua, procurará que se garantice el derecho a la defensa, a través de las coordinaciones entre Autoridades Centrales y Judiciales de ambos países, sin perjuicio del derecho del solicitante que pueda asumir su representación.

ARTO. 38.- RESTITUCIÓN Y RECIBIMIENTO DEL NIÑO, NIÑA O ADOLESCENTE

Una vez notificada la resolución o fallo favorable, la Autoridad Central Requiere, recibirá al niño, niña y adolescente, en puesto fronterizo (aéreo, marítimo o terrestre), suscribiéndose **acta de retorno**, en la que se haga constar las condiciones físicas en que el niño, niña y adolescente fue recibido.

ARTO. 39.- FIRMA DE ACTA ENTREGA A LA PERSONA SOLICITANTE.

Al momento de entregar a un niño, niña o adolescente al solicitante de Restitución, éste deberá firmar ante la Autoridad Central Requiere la correspondiente acta de entrega, en la cual se hará constar las condiciones físicas del niño, niña y adolescente, así como el lugar, hora y fecha.

Arto. 40.- Negativa de Restitución. Si el Estado Requerido resuelve no dar lugar a la restitución internacional solicitada, se procederá a notificar al solicitante y consecuentemente se hará el cierre del expediente.

TITULO V.-
DEL PROCEDIMIENTO ADMINISTRATIVO DE RESTITUCION
INTERNACIONAL COMO ESTADO REQUERIDO

CAPÍTULO I.
Procedimiento Administrativo como Estado Requerido

Arto. 41.- Casos en que procede. El procedimiento como Estado Requerido se iniciará cuando un niño, niña o adolescente que tenga su residencia habitual en el extranjero (independientemente de la nacionalidad), haya sido trasladado o retenido ilícitamente en el territorio Nicaragüense.

El traslado y retención de un niño, niña y adolescente conforme al Convenio sobre los aspectos civiles de la sustracción internacional de menores y la Convención Interamericana sobre Restitución Internacional. “Arto. 3 *El traslado o la retención de un menor se considerarán ilícitos:*

- a) cuando se hayan producido con infracción de un derecho de custodia atribuido, separada o conjuntamente, a una persona, a una institución, o a cualquier otro organismo, con arreglo al Derecho vigente en el Estado en que el menor tenía su residencia habitual inmediatamente antes de su traslado o retención; y*
- b) cuando este derecho se ejercía de forma efectiva, separada o conjuntamente, en el momento del traslado o de la retención, o se habría ejercido de no haberse producido dicho traslado o retención.*

El derecho de custodia mencionado en a) puede resultar, en particular, de una atribución de pleno derecho, de una decisión judicial o administrativa, o de un acuerdo vigente según el Derecho de dicho Estado.”

“Artículo 4.- Convención Interamericana sobre Restitución Internacional de Menores.

Se considera ilegal el traslado o la retención de un menor cuando se produzca en violación de los derechos que ejercían, individual o conjuntamente, los padres, tutores o guardadores, o cualquier institución, inmediatamente antes de ocurrir el hecho, de conformidad con la ley de la residencia habitual del menor.”

ARTO. 42.- REGISTRO DE LA SOLICITUD COMO ESTADO REQUERIDO EN CONTROL INTERNO DE LA AUTORIDAD CENTRAL

La Restitución Internacional de un niño, niña y adolescente, inicia desde el momento en que se recibe la solicitud del Estado Requiere, dando inicio a la apertura del expediente administrativo, el cual debe registrarse en el sistema que para tal efecto lleva la Autoridad Central del Estado Requerido.

El expediente administrativo deberá conformarse de la siguiente manera:

1. Caratula que contenga los siguientes datos: número de expediente, nombre de la acción, fecha de recepción de la solicitud, Estado Requiere, nombre de la persona solicitante, nombre de la persona que sustrajo o retiene, nombre del niño, niña y adolescente y cualquier otro dato que la Autoridad Central estime pertinente.
2. El expediente deberá estar ordenado y foliado cronológicamente según se reciban los documentos. Al inicio del mismo deberá constar los datos socio demográfico, tales como: edad, sexo, nacionalidad, etnia y escolaridad del niño, niña o adolescentes, del solicitante y del sustractor. Además se describirán todos los actos administrativos realizados, dejándose soporte físico de las comunicaciones directas que se hagan por las vías establecidas en este Protocolo.

Arto. 43.- Requisitos de procedencia. Recepcionada la solicitud de Restitución Internacional por la Autoridad Central de la manera prevista en este Protocolo, se procederá a verificar los requisitos de la solicitud exigidos en el artículo 8 del Convenio sobre los aspectos civiles de la sustracción internacional de menores y artículo 9 de la Convención Interamericana de Restitución Internacional de Menores;

Si no reúne los requisitos, se informará a la Autoridad Central Requiere de tales omisiones, a fin de que sean subsanadas.

Arto. 44.- Medidas de localización. Una vez admitida la solicitud de restitución, se dictaran las medidas pertinentes para la localización del niño, niña y adolescentes, debiéndose coordinar con la Dirección de Auxilio Judicial de la Policía Nacional, Dirección de Migración y Extranjería y cualquier otra que fuere necesario, en búsqueda de evitar el traslado u ocultamiento del niño, niña y adolescentes. Para tal efecto la Autoridad Central deberá solicitar las medidas que considere oportunas en sede judicial. Para el decreto y celeridad de las mismas, la autoridad central pedirá la colaboración de quien haga las veces de juez enlace.

Arto. 45.- Restitución Voluntaria. Localizado el niño, niña y adolescente, la Autoridad Central tendrá el término de tres días hábiles para citar al sustractor, con el objeto de alcanzar la restitución voluntaria.

Habiéndose realizado la citación por cualquiera de los medios establecidos en este Protocolo y los Convenios que regulan esta materia, el sustractor deberá comparecer en un plazo no mayor de seis días, más el término de la distancia.

Arto. 46.- Procedimiento. Si la persona que sustrajo al niño, niña y adolescente comparece y hay voluntad para la restitución, se levantara acta conteniendo los acuerdos. Acto seguido se dictaran las medidas de protección a favor del niño, niña y adolescentes, que garanticen la efectividad del retorno seguro o se mantendrán vigentes las dictadas previamente, conforme lo señalado en el artículo 45 del Protocolo; La vigencia de estas medidas se regirán conforme la legislación vigente. En caso de comparecer y no alcanzar acuerdo, se levantara constancia y se procederá a dictar resolución correspondiente.

Transcurrido el término de la vigencia de las medidas y si el niño, niña y adolescente no ha retorna a su país de residencia habitual, por causas no atribuibles a las instituciones del país requerido, las medidas quedaran sin efecto.

El niño, niña y adolescente podrá ser acompañado en el traslado a su residencia habitual por la Autoridad Central requerida o bien ser entregado en nuestro país al funcionario de la Autoridad Central Requiere, previas coordinaciones establecidas entre las Autoridades Centrales correspondientes. En cualquiera de los casos se deberá firmar acta de entrega de la persona del niño, niña y adolescente.

Los gastos de retorno del niño, niña y adolescente, se harán de la manera prevista en el arto. 13 de la Convención Interamericana sobre Restitución Internacional de Menores.

En aquellos casos donde el traslado del niño, niña y adolescente pueda resultar traumático, en razón de la falta de contacto de este con el solicitante, se harán las coordinaciones procurando que el traslado se autorice con un acompañante que facilite la adaptación del niño, niña y adolescente a su entorno. Los gastos del acompañante serán asumidos ya sea por el sustractor o por el solicitante. En caso que ninguno de ellos cuente con los recursos para pagar el traslado, las autoridades centrales coordinaran en procura de conseguir los recursos económicos para el traslado en esta variante.

Arto. 47.- Judicialización de la solicitud. Si la persona que sustrajo no comparece a la citatoria, se dejara constancia de la inasistencia; citándole nuevamente por segunda y última vez por el mismo término. Su incomparecencia se entenderá como falta de acuerdo, en este caso se dictará en el término de 5

días Resolución Administrativa estableciendo que se proceda a judicializar la solicitud.

Arto. 48.- Casos en los que se deniega una solicitud. Será potestad de la Autoridad Central, denegar una solicitud de Restitución Internacional, cuando del análisis de la relación de los hechos y la documentación adjunta, se constate que no existe violación al derecho de custodia o de visita.

Transcurrido 8 meses sin que las autoridades centrales o los solicitantes no hagan gestión alguna que suponga interés en la tramitación de la Restitución, se procederá al cierre y archivo administrativo de la causa, lo que deberá ser notificado a la Autoridad Central Requierente.

Contra las resoluciones dictadas por la Autoridad Central, cabrán los recursos administrativos establecidos en la ley 290 “**Ley de Organización, competencia y procedimientos del Poder Ejecutivo Ley No. 290.**”, aprobada el 27 de Marzo de 1998 y sus reformas.

Arto. 49.- Asistencia legal publica. Agotada la instancia administrativa y a solicitud de parte interesada, la Autoridad Central remitirá a la Defensoría Pública, copia certificada del expediente administrativo, a fin de que estos ejerzan la representación legal del solicitante. Igualmente podrán representar al sustractor que no tenga los recursos económicos para pagar un representante privado. Para acreditar la representación, bastara la designación de parte interesada ante la autoridad central requerida, quien certificara la solicitud donde se haga constar la petición de Defensa Pública. Dicho documento será suficiente para solicitar intervención de ley en el proceso judicial.

Las partes o sus representantes, se abstendrán de ejercer otras acciones judiciales relativas a la autoridad parental (*crianza, representación, custodia, régimen de comunicación y visitas*) en tanto la solicitud de restitución internacional y derecho de visita, se encuentre en trámite, evitando la legalización de un acto ilícito de retención o sustracción.

Arto. 50.- Alcances del Derecho de Visita. El Derecho de Visita comprende la garantía que tiene uno de los padres que no convive con su hija e hijo, a mantener relaciones afectivas y el trato personal que favorezca su desarrollo integral. Comprende también el derecho de llevar al niño, niña o adolescente, por un periodo de **tiempo limitado**, a otro lugar diferente a aquel en que tiene su residencia habitual, tiempo que podrá estar regulado mediante sentencia, resolución administrativa o por la ley, todo de acuerdo a lo establecido en el artículo 282 y 283 del Código de Familia y artículo 21 del “*Convenio sobre los Aspectos Civiles de la Sustracción Internacional de menores*”

Arto. 51.- Regulación del derecho de visita. El derecho de visita se regulará en sede administrativa de la siguiente manera:

- a) Cuando el derecho de visita este regulado por sentencia judicial o resolución administrativa, se tramitara de acuerdo al mismo procedimiento establecido para la Restitución Internacional.
- b) Cuando el derecho de visita no se encuentre establecido de la forma antes mencionada, corresponderá a la Autoridad Central, al tenor de lo establecido en el artículo 21 del “*Convenio sobre los Aspectos Civiles de la Sustracción Internacional de menores*”, adoptar las medidas necesarias para eliminar todos los obstáculos para el ejercicio de este derecho, también podrá iniciar o favorecer su inicio, para regular el derecho de visitas, de acuerdo a las facultades establecidas en el título III, libro VI del Código de Familia “*Del procedimiento administrativo en caso de cuido, crianza, alimentos y relaciones padre, madre e hijos*”.
- c) Las Autoridades podrán auxiliarse de los medios audios visuales para garantizar la comparecencia de las partes al trámite conciliatorio, haciendo las coordinaciones interinstitucionales que sean necesarias para tales fines.

CAPITULO II.-

Procedimiento Judicial como Estado Requerido

Arto. 52.- Del procedimiento en sede judicial. La competencia y procedimiento para la Restitución Internacional o de Derecho de Visita en sede judicial, será el establecido en el libro VI de la ley 870 Código de Familia vigente, con las particularidades que a continuación se establecen.

1.- La demanda: Además de los requisitos establecidos en el Código de Familia en el artículo 501, deberá de cumplir con los requisitos especiales que establece para tal efecto el artículo 9 CONVENCIÓN INTERAMERICANA SOBRE RESTITUCIÓN INTERNACIONAL DE MENORES. Conjuntamente deberá acompañar certificación de la Resolución administrativa, en la cual se refleje que se ha agotado la vía administrativa como requisito formal de admisibilidad. La autoridad judicial cuando lo estime pertinente podrá pedir a la Autoridad Central la copia certificada del expediente administrativo.

2.- En el auto que admite la demanda, la autoridad Judicial podrá: a) Ratificar las medidas ya adoptadas administrativamente. b) dictar nuevas medidas que creyere conveniente de acuerdo a la particularidad del caso, todo con la finalidad de localizar y garantizar la integridad física y psicológica del niño, niña y adolescente sustraído o retenido. Conforme al 458 y 459 del Código de Familia y Código de la niñez y adolescencia.

3.- En la contestación de demanda: Además de contestar conforme a los artículos 502 y 506 Código de Familia, las excepciones que se interpongan serán las

expresamente señaladas en los artículos 13 y 20 de la Convención sobre los aspectos civiles de la sustracción internacional de menores de 1980.

"Artículo 13 Convenio de Sustracción, No obstante lo dispuesto en el Artículo precedente, la autoridad judicial o administrativa del Estado requerido no está obligada a ordenarla restitución del menor si la persona, institución u otro organismo que se opone a su restitución demuestra que: a) La persona, institución u organismo que se hubiera hecho cargo de la persona del menor no ejercía de modo efectivo el derecho de custodia en el momento en que fue trasladado o retenido o había consentido o posteriormente aceptado el traslado o retención; b) Existe un grave riesgo de que la restitución del menor lo exponga a un peligro físico o psíquico o que de cualquier otra manera ponga al menor en una situación intolerable."

La autoridad judicial o administrativa podrá asimismo negarse a ordenar la restitución del menor si comprueba que el propio menor se opone a la que resulta apropiado tener en cuenta sus opiniones. Al examinar las circunstancias a que se hace referencia en el presente Artículo, las autoridades judiciales y administrativas tendrán en cuenta la información que sobre la situación social del menor proporcione la Autoridad Central u otra autoridad competente del lugar de residencia habitual del menor."

"Artículo 20 Convenio de Sustracción, La restitución del menor conforme a lo dispuesto en el Artículo 12 podrá denegarse cuando no lo permitan los principios fundamentales del Estado requerido en materia de protección de los derechos humanos y de las libertades fundamentales".

4.- De las actuaciones que se practiquen en sede judicial deberá de notificarse a la autoridad central y Jueza o Juez de Enlace para efecto del cumplimiento de la función de seguimiento y registro de estadísticas de las solicitudes de Restitución que se tramitan como Estado requerido.

TITULO VI.- Normas Generales

Arto. 53.- Atención Especializada. Para el cumplimiento efectivo del presente Protocolo, la Autoridad Central creará una oficina especializada para conocer y resolver en sede administrativa las solicitudes que se presenten de igual manera se procurara la designación de una Secretaria (o) Judicial para que colabore con las actividades del Juez o Jueza de Enlace.

Arto. 54.- Régimen Jurídico Complementario: Las normas establecidas en el Código de la Familia, la **Convención de la Haya sobre los Aspectos Civiles de la Sustracción Internacional de Menores y la Convención Interamericana para la Restitución Internacional de menores**, son complementarias entre sí

para una mejor garantía de los derechos de Restitución Internacional y de visita de los niños, niñas y adolescentes involucrados.

Arto. 55.- Comunicaciones Administrativas y Judiciales: Las Autoridades tanto administrativas como judiciales que conozcan de las acciones que regulan las leyes atinentes a la Restitución Internacional y el Derecho de Visitas deberán consultar mediante las comunicaciones judiciales y administrativas, las normas del derecho interno de los Estados involucrados, relacionadas al caso concreto, así como cualquier otra situación en relación del niño, niña y adolescente en el lugar de residencia habitual, según el artículo 13 de la convención de 1980.

Arto. 56.- Funciones del Juez de Enlace.

- Mantener comunicación directa con las Autoridades Centrales.
- Apoyar en la logística a otro juez sea nacional o extranjero.
- Coordinar cualquier solicitud de apoyo por parte de los Judiciales, Autoridad Central y Policía Nacional para efecto de localización del niño, niña y adolescentes.
- Establecer una comunicación fluida con el Ministerio de Relaciones Exteriores y consulados para efecto de colaborar para la efectividad de la medida que dicte el Juez de la causa siempre que sea solicitado por la Autoridad Judicial si lo considera necesario.
- Colaborar con la Autoridad Central para facilitar las comunicaciones con los órganos jurisdiccionales.
- Promover capacitación en materia de Convenios Internacionales relativo al Derecho de Familia y su aplicación en conjunto con la Autoridad Central.
- Llevar registros estadísticos de los casos de Restitución Internacional o Derecho de Visitas, y la forma de terminación de estos mediante, acuerdo, Resolución administrativa o Sentencia.
- Los Judiciales enviarán certificación de la sentencia que dicten en materia de Restitución o Derecho de Visita, así como cualquier otra información que se requiera a fin de que el Estado de Nicaragua, informe a las Autoridades establecidas bajo el marco del Convenio sobre la aplicación de los mismos.
- Las otras facultades que de acuerdo al derecho interno coincidan con las establecidas en el documento de “*Lineamientos emergentes, relativos al desarrollo de la Red Internacional de Jueces de la Haya y de Principios Generales sobre Comunicaciones Judiciales, que comprende las salvaguardias comúnmente aceptadas para las comunicaciones judiciales directas en casos específicos, en el contexto de la Red Internacional de Jueces de la Haya*”.

Arto. 57.- Coordinación Autoridad Central, Judicial y Defensoría Pública: La Defensoría Pública designará a la persona que coordine a nivel nacional los casos de Restitución Internacional y Derecho de Visitas en los que ella sean partes y

designara las (os) Defensores (as) públicos que litigaran en esta materia. Con quienes se podrán mantener comunicaciones directas con las autoridades asignadas para la aplicación del Protocolo.

Arto. 58.- Coordinación Interinstitucional: Las instituciones que por ley tienen atribuidos funciones de cuidado y protección de la Familia, deberán de garantizar la coordinación interinstitucional que facilite la aplicación de los convenios internacionales en materia de sustracción y derecho de visitas.

ALBA LUZ RAMOS VANEGRAS
MAGISTRADA PRESIDENTA
C.S.J

MARCIA RAMIREZ MERCADO
MINISTRA DEL MIFAN
AUTORIDAD CENTRAL NIC.



**CORTE SUPREMA
de
JUSTICIA**

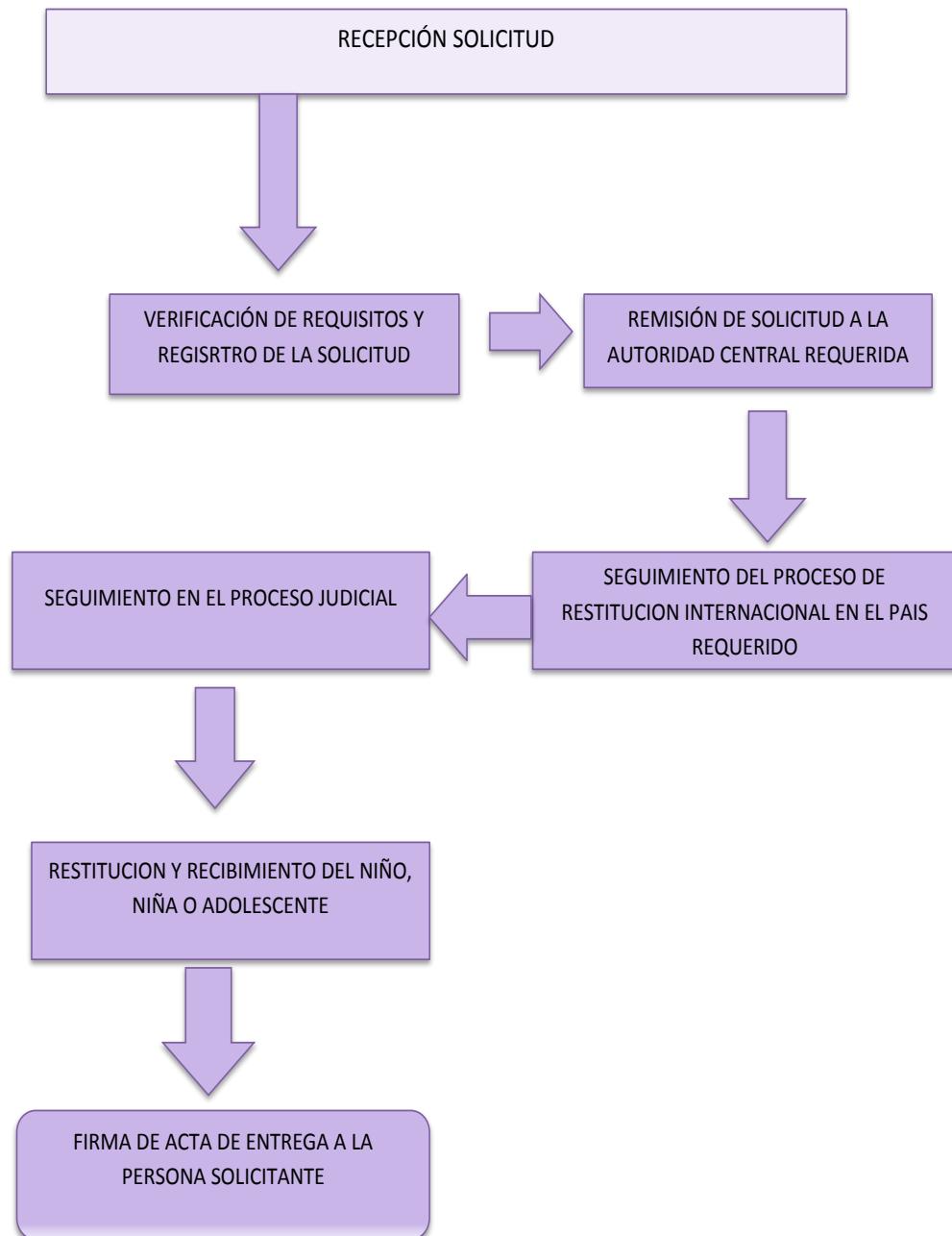


A N E X O S

I.- Glosario de Concepto:

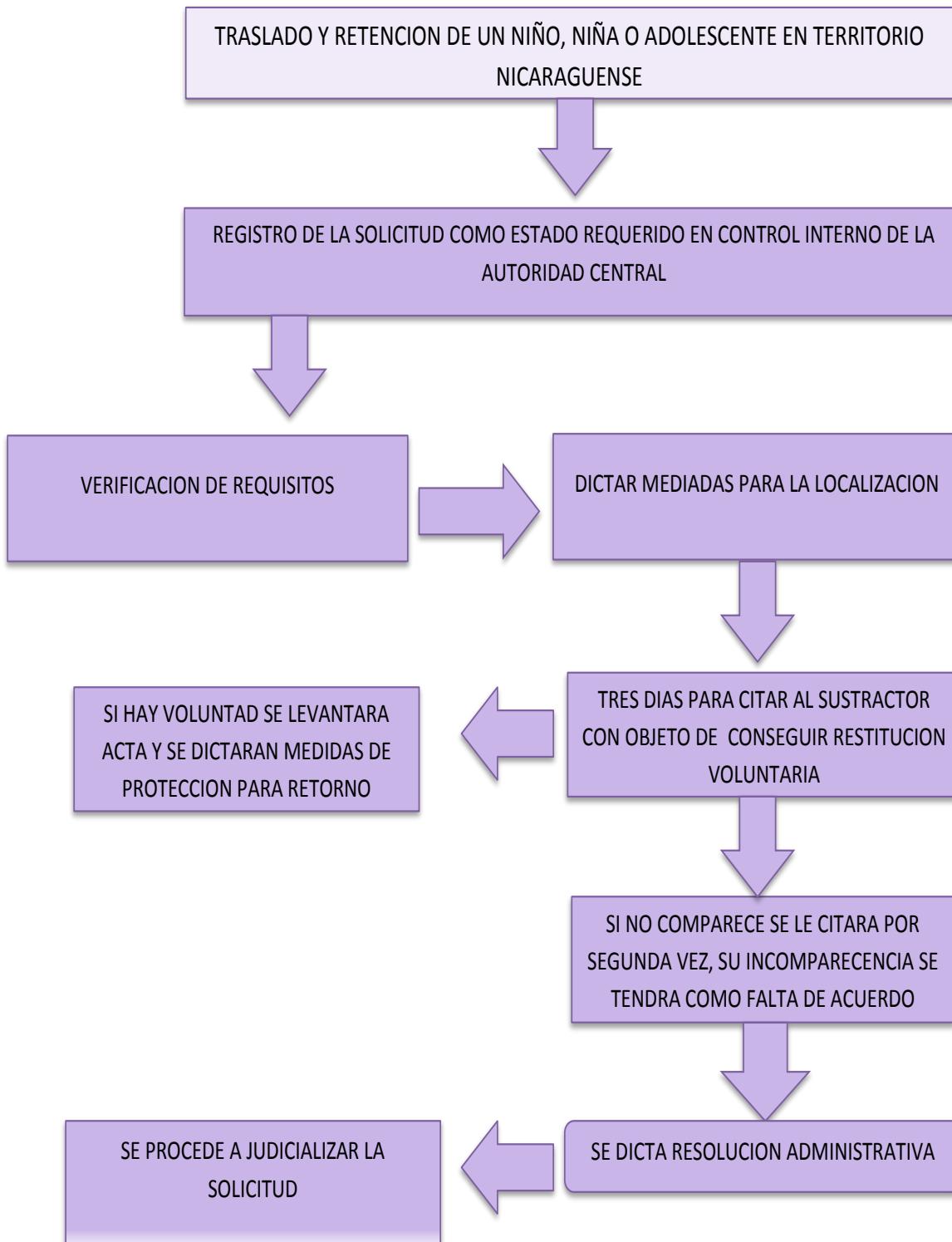
- **CNA:** Código de la Niñez y Adolescencia.
- **Cf. :** Código de Familia.
- **CDN:** Convención sobre los Derechos del Niño y la Niña.
- **NNA:** Niña, Niño y Adolescentes.
- **AC:** Autoridad Central.
- **Convención de 1980:** Convención de la Haya Sobre Los Aspectos Civiles de la Sustracción Internacional de Menores.
- Convención Interamericana: Convención Interamericana para la Restitución Internacional de Menores.
- **Sustracción Internacional:** Cuando existe traslado o retención de un NNA de forma ilícita, atribuido, separada o conjuntamente a una persona, una institución o a cualquier otro organismo, con arreglo al derecho Vigente en el Estado en que el NNA tenía su residencia habitual inmediatamente antes de su traslado o retención.
- **Restitución Internacional:** Es la acción o solicitud que intenta la Persona o Institución que considera ha sido violentado el ejercicio del derecho de custodia o visita.
- **Derecho de Custodia:** Es el derecho relativo al cuidado y crianza del NNA, en especial el derecho de decidir su lugar de residencia, bajo la base de los convenios internacionales relativo a la Restitución Internacional. En el ámbito de aplicación de la convención de 1980. No se debe de decidir al respecto, reservando este derecho para el Juez o Jueza competente sea el de la residencia habitual del NNA, una vez resuelta la solicitud de Restitución., en el caso se dé con lugar.
- **Derecho de Visitas:** Comprende la facultad de llevar al NNA, por un periodo limitado a un lugar diferente al de su residencia habitual este derecho deberá solicitarse o bien estar establecido mediante sentencia o resolución administrativa, se tomara en consideración la aplicación de este derecho siempre que no exista alguna causal que ponga en riesgo la integridad física, psicológica, emocional o ciclo escolar del NNA.
- **Lugar de Residencia Habitual:** Lugar en donde el NNA. Tenía su residencia habitual y su status quo antes de su traslado o retención ilícita.

Flujograma de procedimiento de Restitución Internacional
Vía administrativa como Autoridad Central Requierente

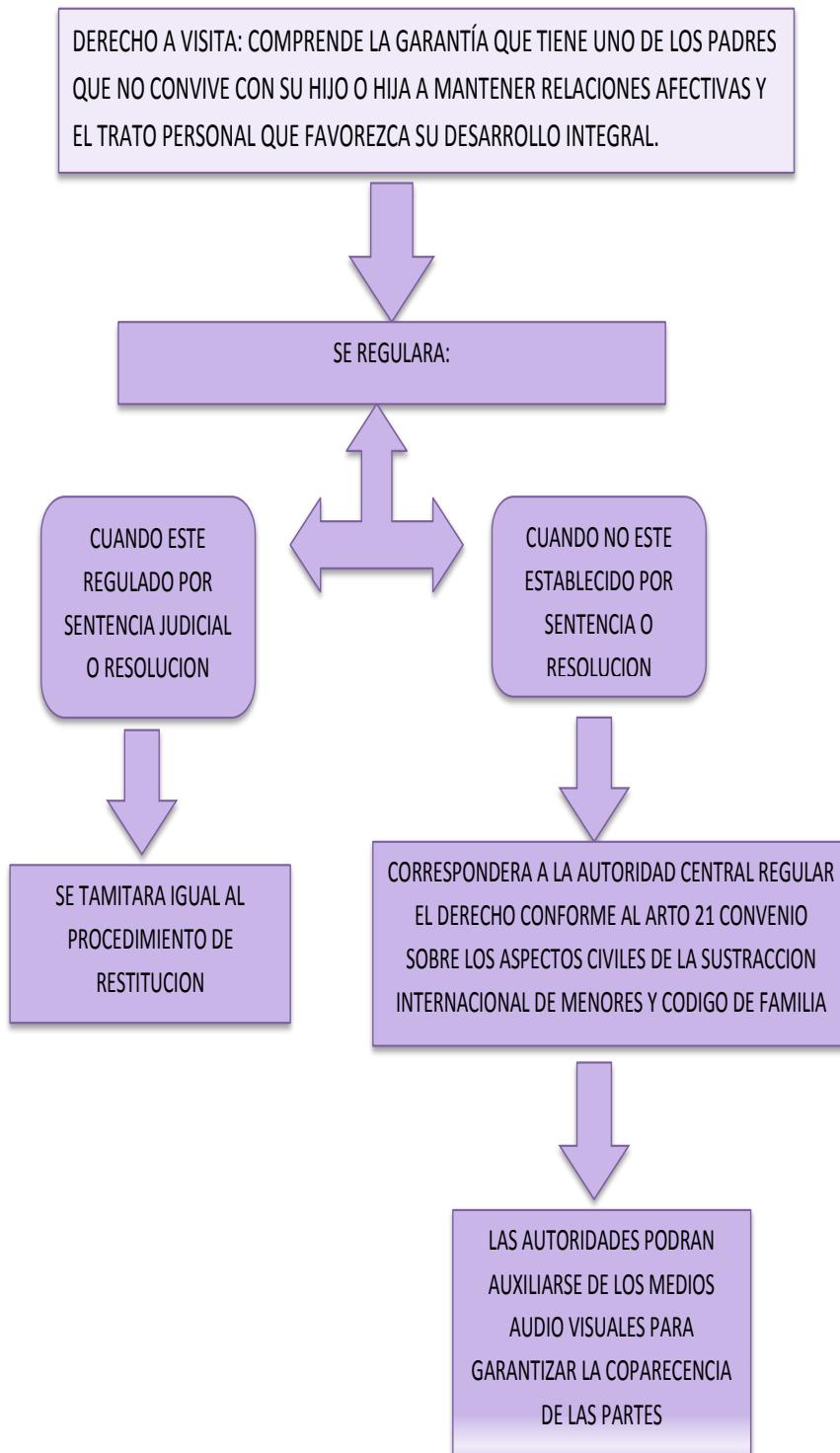


Flujograma de procedimiento de Restitución Internacional

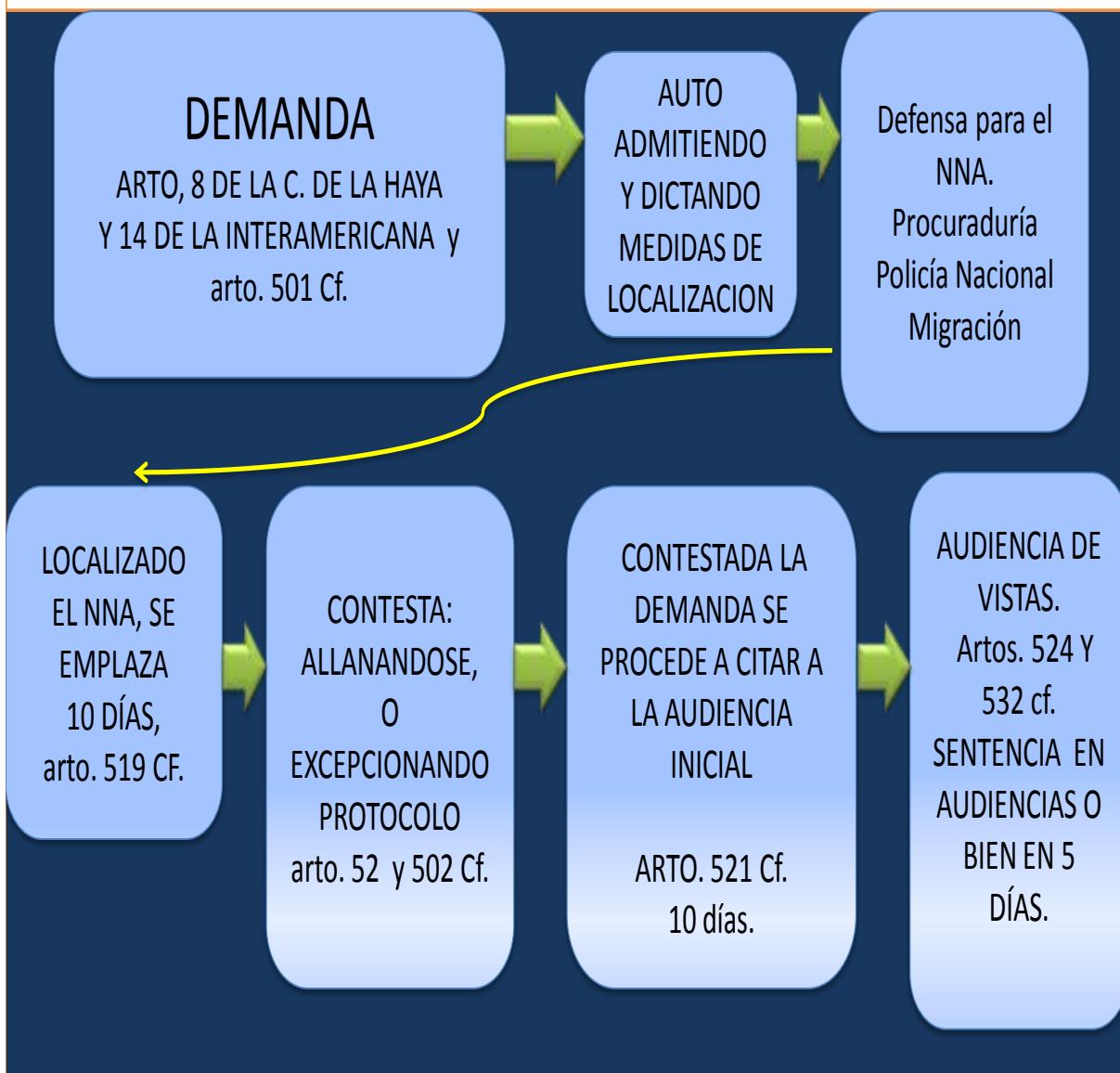
Vía administrativa como Autoridad Central Requerida



Flujograma de procedimiento de Derecho a visita

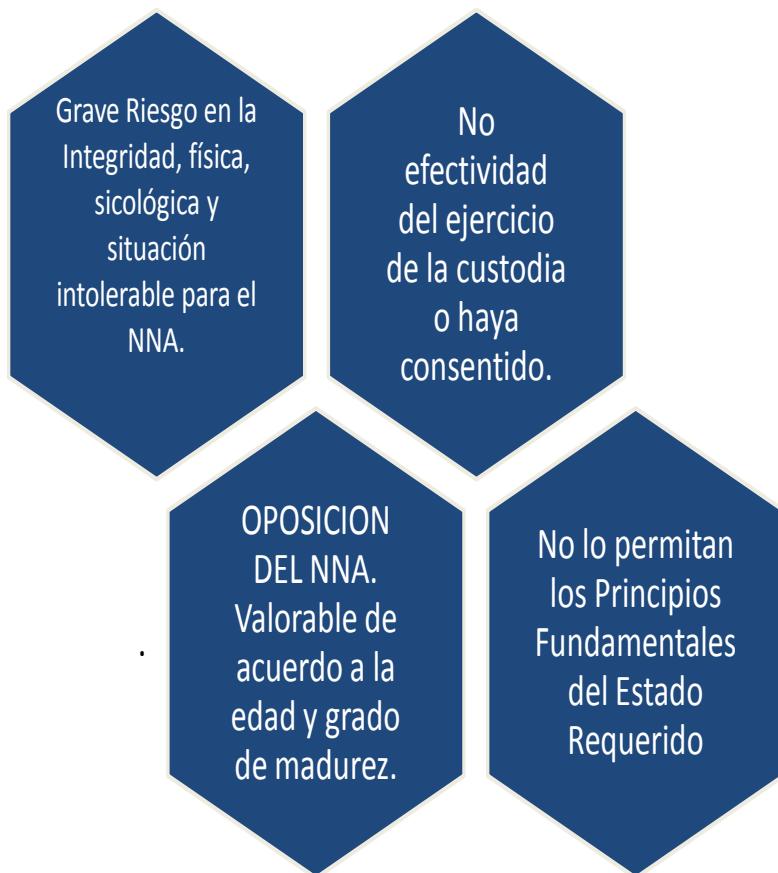


PROCEDIMIENTO JUDICIAL ESTADO REQUERIDO



EXCEPCIONES QUE PUEDEN OPONER

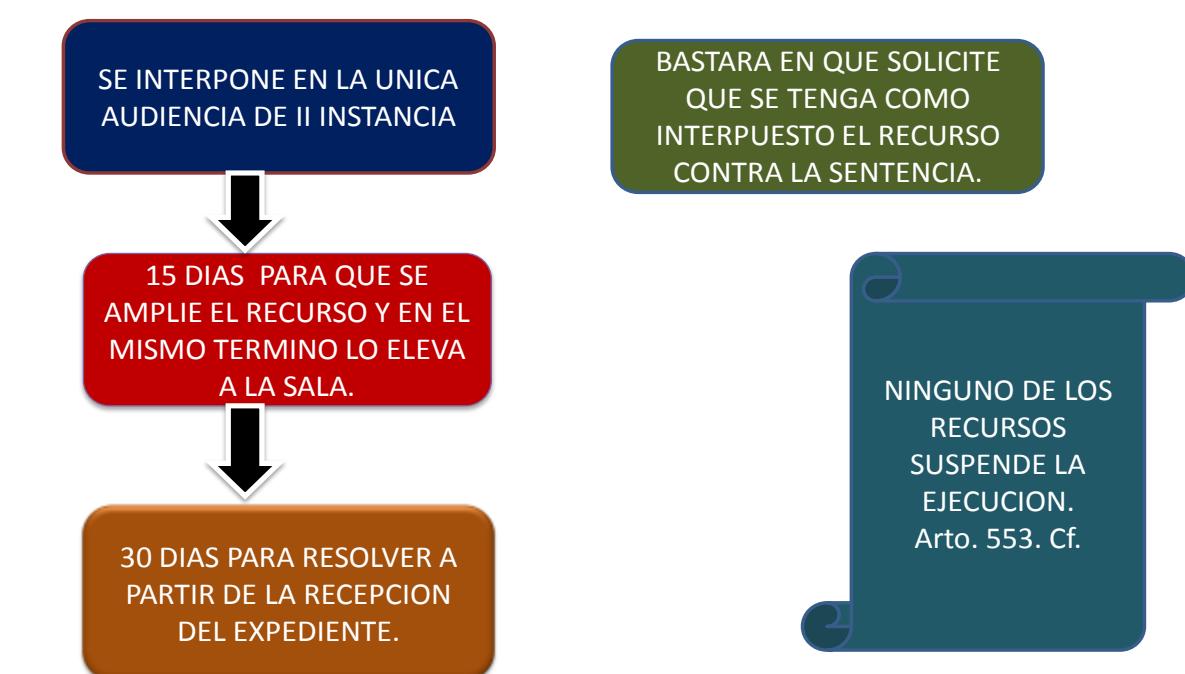
Artos. 13 y 20 Sustracción y 52 Protocolo



PROCEDIMIENTO JUDICIAL II INSTANCIA art. 544 Cf.



Procedimiento Estado Requerido III Instancia Arto. 549 Cf.





MINISTERIO DE LA FAMILIA, ADOLESCENCIA Y NIÑEZ

SOLICITUD DE REPRESENTACIÓN LETRADA PÚBLICA

He sido notificado(a) de la Resolución Administrativa número **DGA-MDZ-XX-XXXX-2019**, emitida por el Ministerio de la Familia, Adolescencia y Niñez en su calidad de Autoridad Central por Nicaragua en materia de Sustracción Internacional de Menores, la cual da por concluida la fase administrativa, procediendo a judicializar la solicitud de Restitución Internacional / Derecho de Visitas, de mi hijo (a) _____, según solicitud de Restitución Internacional con número de expediente administrativo DGA-XXX-XXXX-2019, trámite iniciado el XX de mayo 2019.

Declaro que no cuento con los recursos económicos suficientes para costear los honorarios de un abogado particular que me represente en el proceso judicial de Restitución Internacional, por lo que, al tenor de lo que establecen los artículos 34 numeral 4) Constitución Política de Nicaragua, artículos 469 y 470 del Código de Familia y artículo 49 del Protocolo de Actuaciones, solicito que mi representación letrada sea asumida por la Defensoría Pública de Nicaragua, asignándome para tal efecto un Defensor Público que actúe en mi nombre y representación en todas las audiencias de primera instancia, en el recurso de Apelación ante el tribunal de alzada, así como en el Recurso de Casación ante la Corte Suprema de Justicia. Así también en la ejecución de medidas o sentencias que se dicten en el caso y cualquier otro recurso que de acuerdo a su estrategia de defensa corresponda.

Entendido de las consecuencias y alcances de este acto, Yo
_____ de



MINISTERIO DE LA FAMILIA, ADOLESCENCIA Y NIÑEZ

nacionalidad _____, identificado con documento
_____ número _____, firmo el presente
documento en prueba de aceptación de los términos estipulados y
otorgo mi consentimiento para que se proceda a transferir mi solicitud a
la Dirección de la Defensoría Pública del Poder Judicial, adjuntando
copia certificada del expediente administrativo

Fecha: Managua, Nicaragua XX de junio 2019

Firma del solicitante