

**HAGUE CONVENTION OF 25 OCTOBER 1980
ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION**

STANDARD QUESTIONNAIRE FOR NEWLY ACCEDING STATES

response from: URUGUAY

date of response: 08/MAY/2019

I Implementing legislation

(a) Is implementing legislation necessary to bring the Convention into force in domestic law?

No, but we have.

(b) If so, has the necessary legislation been enacted, and is it in force? (*Please provide a copy or indicate where copies of the legislation may be obtained.*)

Implementing legislation was set on April 2012, which establish a special judicial procedure on these cases, in order to reach to a final ruling within the 6 weeks term. A copy of this legislation can be obtained here: <https://www.impo.com.uy/bases/leyes/18895-2012>

II Locating children

Please indicate the agencies involved and the processes available for the location of missing children in your country:

The Judge issue several orders to different public services (such as the law enforcement agency, education and health services, etc.) in order to obtain information about the whereabouts of the children and the taking parent.

III Central Authority

(a) The designation and contact details of the Central Authority (please note that this information will be added to the relevant webpage of the Hague Conference website):

Ministerio de Educación y Cultura
Autoridad Central de Cooperación Jurídica Internacional
Reconquista 535, Piso 5°
Montevideo, República Oriental del Uruguay
Número de teléfono / Numéro de téléphone / Telephone number: +598 2915 8836
Número de Fax / Numéro de télécopie / Telefax number: +598 2915 9780
Correo electrónico / courriel / e-mail: menores@mec.gub.uy
Web: http://www.mec.gub.uy/innovaportal/v/1197/9/mecweb/materia_familia_y_minori dad

(b) Contact persons within the Central Authority, languages spoken, contact details for each (see remark at (a) above):

Dra. Adriana Fernández Pereiro

Correo electrónico / courriel / e-mail: fernandezad@mec.gub.uy (lenguajes de comunicación / langues de communication / languages of communication: español, inglés / espagnol, anglais / spanish, english)

Dr. Daniel Trecca

Correo electrónico / courriel / e-mail: trecca@mec.gub.uy (lenguajes de comunicación / langues de communication / languages of communication: español, inglés / espagnol, anglais / spanish, english)

Dra. Carolina Vergara

Correo electrónico / courriel / e-mail: avergara@mec.gub.uy (lenguajes de comunicación / langues de communication / languages of communication: español, inglés / espagnol, anglais / spanish, english)

(c) Please indicate measures taken to ensure that the Central Authority is in a position to carry out the functions set out in Article 7 of the Convention:

The Uruguayan Central Authority has a special Section on Civil Matters which handles these cases and is composed by University professors on Private International Law. It has the appropriate means to fulfill the tasks provided by art. 7 of the Convention

IV Judicial procedures

(a) Which courts/administrative bodies within your system have been given jurisdiction to consider applications for return orders (and questions of access) under the Convention?

The Family Courts. They have concentrated jurisdiction within a given jurisdiction. Only two Family Courts in Montevideo and one on each city in the rest of the country have jurisdiction over these matters. This measure has been found to be highly effective contributing to building knowledge and experience and to achieving better handling of cases, in particular in terms of expertise, consistency, and speed.

(b) What measures exist to ensure that return applications will be dealt with expeditiously at first instance and on appeal?

As mention before, the implementing legislation that was set on April 2012, had established a special judicial procedure on these cases, with very brief terms, in order to obtain expeditious procedures delt within the 6 weeks term. The appeal ruling delivered by the Family Appeal Court is final, and it´s forbidden to appeal to the Supreme Court on these cases.

(c) What facilities are available to foreign applicants to assist them in bringing their applications before the courts, and in particular is legal aid available and, if so, on what conditions?

In every single case, the Judge appoint one public defender to the left behind parent, and another to the children involved. There are no conditions to be fulfilled. Anyway, the left behind parent has the right to appoint a private attorney, if he/she wishes to do so.

V Enforcement procedures

What procedures and measures exist for the enforcement of:

(a) a return order?

There isn't a special procedure to enforce the return order. Therefore, the judge adopts the adequate measures required by the specific case.

(b) a contact/access order?

There isn't a special procedure to enforce the access order. Therefore, the judge adopts the adequate measures required by the specific case.

VI Substantive law

(a) What are the legal criteria by which custody and contact determinations are made?

By law, both parents have custody rights over their children. Our law makes a difference between "Patria Potestad", which are the rights and obligations that as a parent every single parent has over their children and "tenencia", that has the one who lives with the children in case both parents aren't living together.

In every divorce, it has to be decided before the final ruling, which is the parent who the child is going to live with. In most cases, it is granted access right to the other parent. But in most cases, both parents retain custody over the child, especially the right to determine the Child's place of residence.

(b) Is there a difference in the legal status of mothers and fathers in custody or contact cases?

The only difference in custody cases is when it has to be determined which parent is going to live with the child. On these cases, the law makes a preference towards the mother, when the child is less than two years old.

VII Social services and child protection services

Please describe the services which exist for the assessment, care and protection of children in the context of international child abduction:

Please indicate the services available for the protection (if necessary) of returning children, as well as the services available (including legal advice and representation) to a parent accompanying the child on return:

VIII Information and training

What measures are being taken to ensure that persons responsible for implementing the Convention (*e.g.* judges and Central Authority personnel) have received appropriate information and training?

(Note: the Permanent Bureau may be contacted for information in relation to forms of assistance which may be available for this purpose.)

Every two years, the judicial power organize a training event on which participate judges with concentrated jurisdiction on international child abduction and international access cases, the central authority and public defenders.