

“Organic Act of the Juvenile Institutions Administration”

Act No. 154 of August 5, 1988 as amended,

(Contains amendments incorporated by:

Act No. 154 of August 5, 1988

Act No.187 of August 12, 1995

Act No. 12 of May 1, 1997

Act No. 14 of June 3, 1997

Act No. 175 of December 19, 1997

Act No. 56 of January 4, 2003

Act No. 460 of September 23, 2004

Act No. 100 of September 27, 2009)

(Amendments non-incorporated:

Act No. 67 of May 2, 2011)

To create the Juvenile Institutions Administration; define its objectives; provide for its organization, powers and duties; create the Advisory Board to the Juvenile Institutions Administration; to transfer functions, facilities' personnel, property, funds and records to it; to provide that which is relative to its operational expenses and establish penalties

STATEMENT OF MOTIVES

The commonwealth's duty to render evaluation, diagnosis, rehabilitation and custodial services to minors who have been prosecuted by a competent court by virtue of Act No.88 of July 9, 1986, as amended, requires that these services be rendered through a coordinated system which offers security and the most effective rehabilitation and resocialization of the minors in its custody.

The administrative structure and the norms, procedures in matters of equipment and maintenance of facilities, personnel, purchases, supplies and services presently required of the Department of Social Services make it difficult for such complex and diverse daily demands in the administration of Puerto Rico's juvenile facilities be promptly and efficiently handled through the Secretaryship of Social Treatment Centers.

It is thus imperative to create a government dependency whose primary function is the administration of such juvenile facilities and the most effective rendering of the rehabilitation and resocialization services to minors.

In order to achieve it, this Act creates the Juvenile Institutions Administration attached to the Department of Social Services and grants it the authority and faculties which will allow the greater administrative and operational efficiency needed to guarantee that the operation of

juvenile institutions encourage the development, well being, rehabilitation and resocialization of transgressive minors.

Be it enacted by the Legislature of Puerto Rico :

Section 1. — [Short title] (8 L.P.R.A. § 551 note)

This Act shall be known as the Organic Act of the Juvenile Institutions Administration.

Section 2. — [Definitions] (8 L.P.R.A. § 551)

The following phrases and terms shall have the meaning expressed herein:

- (a) *Administration* — Means the Juvenile Institutions Administration established by this Act.
- (b) *Administrator* — Means the Administrator of the Juvenile Institutions Administration.
- (c) *Juvenile institutions or institutions* — Means those residential institutions where minors are detained while the adjudication or disposition of their case is pending in court; treatment centers operated by the Department of the Family Assistant [Secretariat] for Social Treatment Centers where minors are placed in order to receive evaluation, diagnostic and rehabilitation services after the disposition of the case by the court, and those similar facilities established and operated by the Administration in the future.
- (d) *Secretary*— Means the Secretary of the Department of Correction and Rehabilitation.
- (e) *Department* — Means the Department of Correction and Rehabilitation.
- (f) *Clientele* — Means any minor detained pursuant to a court order and confined in a Detention Center and any minor whose custody has been conferred by the court to the Juvenile Institutions Administration because he has incurred one or more violations. It also includes every transgressing minor subject to a conditional dictating measure and to the supervision of the Administration.
- (g) [Repealed. Act May 1, 1997, No. 12, § 2, eff. May 1, 1997.]

Section 3. — [Creation] (8 L.P.R.A. § 552)

The Juvenile Institutions Administration attached to the Department of Correction and Rehabilitation, with the necessary capacity and administrative flexibility to operate juvenile institutions and programs under its jurisdiction efficiently and provide its clientele and their families those specialized and integrated services that encourage positive behavioral changes, is hereby created.

Section 4. — [Administrator] (8 L.P.R.A. § 553)

The Administration shall be directed by an Administrator who shall be appointed by the Governor with the advice and consent of the Senate. The person holding the office of Administrator shall have sufficient experience and knowledge in the field of behavioral sciences and in the area of administration, and shall also have knowledge of and be committed to the enforcement of public policy regarding the juvenile justice system and

rehabilitation and resocialization of transgressing minors through the rendering of the necessary services.

The Administrator shall hold office at the Governor's volition and until his/her successor is appointed. The salary of the Administrator shall be fixed by the Governor.

The Administrator shall be the Administration's chief executive; he/she shall represent it in all acts and contracts to be awarded. Said official shall perform all the duties and powers conferred to the Administration as well as those responsibilities, faculties, and authority conferred to him/her by this or any other law, or delegated by the Secretary.

Section 5. — [General Policy] (8 L.P.R.A. § 554)

The Secretary shall establish the Administration's general policy through the adoption of rules that will include those guidelines he deems necessary to adequately comply with the provisions of this Act and of any other applicable acts.

The Secretary shall establish through administrative orders such norms and guidelines requiring operational and administrative coordination between the Administration and the Assistant [Secretariats], Regional Offices and the Department's Local Offices.

The Secretary shall be empowered to approve, amend and repeal the rules and regulations that are needed to comply with the purposes of this Act, subject to the provisions of Act No. 170 of August 12, 1958, known as the "Uniform Administrative Act", as well as the internal regulations of the Administration and of the bodies created by virtue of this Act. The Administrator shall submit to the Secretary the proposed rules and regulations that, in his/her judgment, should be approved, amended or repealed.

Section 6. — [Functions and Faculties] (8 L.P.R.A. § 555)

In order to comply with the objectives of this Act, the Administration shall have the following functions and faculties:

(a) Operate and administer existing juvenile institutions as well as those similar facilities or community-based programs that are established in the future pursuant to the public policy of the Commonwealth of Puerto Rico and the objectives and provisions of this Act and any other applicable statutes.

(b) Render to the clientele and their families those specialized integrated services that will encourage positive behavioral changes in conformity with the Commonwealth of Puerto Rico's public policy and the objectives and provisions of this Act and other applicable statutes.

(c) Determine the evaluation and diagnostic services that shall be provided to the clientele in detention and the treatment services for the clients in custody, the institutions or community-based programs into which the minors under its jurisdiction, custody or supervision shall be confined transferred or assigned. The Administration shall be the body that shall determine, with the prior authorization of the court, when the minor is apt to receive the benefits of community custody, also known as conditional release.

(d) Be responsible for the clientele's custody and safety, as well as establishing and maintaining the proper security measures in the juvenile institutions. Diligently pursue, through its security and protection officials, any minor in detention or in the custody of the

Administration, who escapes, does not observe any of the conditions of community custody or conditional release, or otherwise fails to comply with any other conditions imposed on him/her. Furthermore, to detain them at any time, in any place, with a prior court order, using the methods that the officers of law and order are authorized to use in making a detention.

(e) Be responsible for establishing an effective program that facilitates the minor's discharge to his/her family and his/her community in close coordination with the family services programs operated by the Department.

(f) Identify the system's dysfunctional elements and take the appropriate urgent measures to attend to the causes of these problems and establish an orderly, integrated, secure and efficient operation of the juvenile institutions in its charge.

(g) Establish an integral planning and coordination program with the Departments of Health, Education, Sports and Recreation, and of Family and the Administration of Mental Health and Addiction Services and with the other government bodies, public corporations, individuals and private entities, in order to render services to its clientele.

(h) Plan, implement and evaluate activities and services to promote the clientele's integral development and the modification of their antisocial conduct, thus expediting their return to the community as responsible and productive persons.

(i) Carry out scientific social research projects on technical and administrative aspects related to transgressing minors and the Juvenile Centers, with the purpose of searching for alternatives and establish programs that will help in complying with the objectives of this Act.

(j) Develop and offer to its inmate population a nondenominational educational program on values, democracy, intercultural competency, human rights, and civic duties.

Section 6-A. — [Bank accounts of the clientele] (8 L.P.R.A. § 555a)

The creation of bank accounts in the name of each of the institutions of the Administration is hereby authorized, for the deposit of:

(a) All the monies and valuables received from the members of the clientele when they are held in a juvenile institution;

(b) all the monies and valuables received for the clientele from their families or individuals while they are held in the juvenile institution;

(c) all income earned by the clientele for services rendered to any entity, and

(d) any other income received for the clientele in juvenile institutions.

The Secretary of the Treasury, in consultation with the Administrator, shall appoint a collections officer in each juvenile institution, who shall be responsible for the receipt, custody and deposit in the bank account of the clients any monies, valuables and income.

The Secretary of the Treasury, in consultation with the Administrator, shall appoint a paymaster in each juvenile institution, who shall be responsible for making the disbursements to be charged against the bank accounts.

The Secretary of the Treasury, in consultation with the Administrator, shall promulgate the necessary regulations to receive, deposit and disburse the funds deposited in the bank accounts whose creation is hereby authorized and to establish the internal control measures and the accounting of the operations.

Subject to compliance with the applicable federal and/or Commonwealth laws and regulations, and the applicable federal or Commonwealth jurisprudence, the funds deposited in the bank accounts of the clientele shall be subject to consideration and utilization to comply with the child support obligations that these clients would meet, whether provided by judicial and/or administrative order.

Section 7. — [Powers] (8 L.P.R.A. § 556)

The Administration shall have all the necessary and convenient powers to carry out the purposes and provisions of this Act, including without limitation the following:

(a) Adopt, alter and use an official seal of the Administration of which judicial notice shall be taken.

(b) Establish the Administration's internal organization, appoint a Deputy Administrator who shall substitute for the Administrator in case of the temporary absence or resignation of the Administrator and designate the necessary assistant officials.

(c) Appoint, transfer and remove personnel pursuant to the provisions of this Act and of Act No. 5 of October 14, 1975 as amended, and fix and pay the corresponding compensation to the officials appointed or contracted by it. The persons appointed to the office of director shall belong to one of the professions related to human behavior, shall be experienced in them and shall be committed to the defense and application of rehabilitation and resocialization principles to minors.

(d) Assign responsibilities and grant faculties to the Administration's personnel based on criteria that will allow a more effective use of human resources taking into consideration the following factors, among others:

(1) The needs of the service.

(2) The rational assignment and distribution of functions.

(3) The delegation of faculties in accordance with the responsibilities and duties.

(4) The selection of the most qualified personnel and its placement in those functions that will allow the most effective rendering of services.

(e) Conduct all types of studies and investigations on matters that affect the institutions' system. For such purposes, the Administrator may require the information that is necessary, pertinent and essential to attain such purposes and approve those rules and regulations that are necessary and reasonable.

The Administrator may issue summons requiring the appearance of witnesses and the presentation of data or information to carry out the purposes of this Act. He/She may also, on his/her own or through the duly-authorized Investigators of the Administration, administer oaths and receive testimonies, data or information.

(f) Contract professional and advisory services subject to the provisions of subsection (d) of Section 12 of this Act.

(g) Prepare and submit its budget request to the Office of Management and Budget through the Secretary and administer the budget and the funds appropriated to it by virtue of any Commonwealth or federal laws whatsoever, or which it is charged with administering pursuant to Act No. 147 of June 18, 1980, and shall establish an accounting system pursuant to the provisions of Act No. 230 of July 23, 1974 as amended [3 L.P.R.A. § 283 et seq.] and the regulations that govern the accounting, administration and disbursement of public funds.

It shall be the Administrator's responsibility to maintain a balanced budget pursuant to Act No. 147 of June 18, 1980 as amended.

(h) Request written authorization from the government agencies concerned for the assignment of employees to the Administration to collaborate in its functions.

(i) Accept and receive any donations or any other type of assistance in funds, assets or services from private persons or institutions and administer them pursuant to the terms of the donation and the law.

(j) Request and obtain aid or assistance in monies, assets or services from the Government of the Commonwealth of Puerto Rico or any of its agencies, public corporations or municipalities, pursuant to the applicable legislation, regulations, agreements or contracts.

(k) Administer any federal program which is related to the Administration's functions because of its nature, purpose and scope when it has been so designated by the Governor, the Secretary or the federal agency concerned.

In the exercise of this capacity he shall negotiate and handle the necessary agreements to make every effort for the Commonwealth of Puerto Rico to receive all the federal benefits and funds to carry out such programs, as well as to negotiate and enter into contracts and agreements with the corresponding government bodies of the various states and the federal government, with respect to the exchange of information about programs, studies and investigations related to the functions entrusted to him/her by this Act, or delegated by the Secretary, as long as these contracts or agreements are authorized by the statutes of the Commonwealth of Puerto Rico.

(l) Acquire through donation, lease or purchase any equipment, materials, improved or nonimproved personal or real property necessary for its operation and establish an efficient and agile system for preventive maintenance, conservation and improvement of the institutions, facilities, equipment, materials, properties and assets maintained or operated by it.

(m) Establish its own purchasing and supply system necessary for an efficient and economic operation without being subject to the provisions of Act No. 164 of July 23, 1974 as amended [3 L.P.R.A. § 931 et seq.] in accordance with the principles outlined in said sections and establish its own vehicle repair system through regulations without being subject to the legislation that regulates the Office of Transportation.

All supply and service contracts entered into by the Administration, except those for professional and consulting services, shall be made through competitive bidding pursuant to the procedure established by this Act and the regulations adopted by the Administrator. The bidding shall be carried out by an Auctions Board appointed by the Administrator. Members of the Auction Board shall not carry out functions directly or indirectly related to the Administration's efforts for the acquisition of goods or services.

The Board shall reserve the right to adjudicate the winning bid in a formal auction based on considerations other than price, such as the quality of the equipment or materials, its availability for delivery and institutional needs, among others. The Board shall consign in writing in the auction's file the reasons upon which its decision was based. The Auctions Board's decisions shall be reviewed by the Auction Review Board created by this Act.

The holding of a formal auction will not be necessary when the estimated expense for the works, acquisition or performance of the service does not exceed five thousand (5,000) dollars. The purchase of materials, articles, equipment and the securing of services that

exceed five hundred (500) dollars, but is no greater than five thousand (5,000) dollars, shall be carried out through informal bidding in accordance with the process established through regulation to that effect.

Nor shall an auction be necessary when:

- (1) An emergency that menaces or endangers the welfare, safety or the rendering of services to minors requires immediate delivery of materials, articles or equipment, or the performance of the works or services; or
- (2) there is a need for spare parts, accessories, equipment or supplementary services for equipment or services previously supplied or contracted, or
- (3) prices are not subject to variation because there is only one source of supply or are fixed by law.

In such cases the purchase of these materials, articles or equipment or the acquisition of these services may be done in the open market in the usual and customary business manner but through an informal bidding procedure.

(n) To enter into and perfect contracts and other necessary instruments with municipalities, departments, divisions, agencies and instrumentalities and public corporations of the Commonwealth of Puerto Rico or with persons and private entities. The municipalities, departments, divisions, agencies and instrumentalities and public corporations of the Commonwealth of Puerto Rico are hereby authorized to enter into contracts and otherwise cooperate with the Administration to facilitate the attainment of the objectives of this Act.

This power shall include contracting for the development, administration, maintenance, custody, any type of services and/or programs, and all that which may be needed to fully or partially operate the Administration through contracting with non-government agencies. The Administration shall establish the criteria and requirements for physical facilities, the organization, operation, administrative and custodial personnel and others, to direct the services to be offered by contracted non-governmental entities, and the rules that such institutions and/or companies must meet in order to have access to this contracting and/or to be designated as private custodial institutions.

(o) Plan and develop, through the use of internal resources or external contributions, such programs and activities that, in addition to keeping the minor busy within the institution, will help him/her to develop, in the best possible measure, a sense of self-esteem and to acquire skills that will prepare him/her for a better integration into society, as well as to develop small commercial enterprises that will benefit the Administration and its clientele for the same purpose.

(p) Render services, technical assistance and facilitate the use of its real or personal property with or without compensation when it is necessary to achieve the purposes of this Act.

(q) Receive income for the use of facilities and institutions it operates and administers as well as for the sale or distribution of the articles and goods produced by the enterprises and projects it promotes or sponsors and for the rendering of services, as well as handling the collection and recovery of those amounts it is entitled to, pursuant to the terms of the contracts signed by it or under any federal statute or act of the Commonwealth of Puerto Rico.

(r) In the second week of January of each year it shall submit a report to the Governor and the Legislature. This report shall include without limitation:

- (1) The agency's organizational phase; the Administration's personnel, its training, experience and status.
 - (2) Personnel under contract, specialty, contract duration, duties performed. Amount paid to each contractor.
 - (3) Constitution of multidisciplinary teams, evaluation of their intervention.
 - (4) Total of minors admitted during the year, monthly turnover, average stay, classification according to faults, recurrence.
 - (5) Description of educational, health, work and recreational programs and activities, and an evaluation thereof.
 - (6) Description of problems related to the custody of minors, measures taken and the results obtained.
 - (7) Description of the discharge plan, its achievements and difficulties in its implementation and recommendations.
 - (8) Coordination plans that have been carried out with other agencies and an evaluation of their effectiveness and of the existence of the Advisory Board to achieve the purposes of the coordination.
 - (9) Achievements, limitations and recommendations of the Administration.
- (s) Advise the Secretary, the Governor, other government officials and the Legislature of Puerto Rico with regard to the administration and operation of the other areas of the juvenile justice system.
- (t) Offer employees and officials an educational development and training program.
- (u) Carry out all the necessary and convenient acts in order to effectively achieve the objectives of this Act.

Section 8. — Evaluation and Classification Division (8 L.P.R.A. § 557)

The Administration shall establish an Evaluation and Classification Division which shall be responsible for evaluating every minor placed in the custody of the Administration, to classify them in order to place them in the corresponding institution. It shall also determine a service plan suggested for each case in harmony with the individualized treatment of public safety principles outlined in the purposes of this Act, and any others that are applicable. Each institution shall have a multidisciplinary team that shall include professionals such as social workers, psychologists, physicians and others, preferably designated full-time in the institution, to give continuous treatment and implement the suggested service plans.

In order to fulfill this function, the Administration may also secure the services of officials and personnel from other public or private agencies through contracts or agreements executed to that effect in those cases where it is difficult to recruit full-time personnel.

Section 9. — [Interagency coordination] (8 L.P.R.A. § 558)

The Administrator shall be responsible for performing the necessary coordinating actions between the Administration and the Departments of Justice, Health, Education, Recreation and Sports, as with the Administration of Mental Health and Addiction Services, to fulfill the public policy and the objectives of this Act and of any other acts that might apply in the

shortest time possible. He may also request and obtain the cooperation of other government agencies, including public corporations and municipalities.

The departments, agencies, public corporations and municipalities are hereby authorized to give whatever assistance and collaboration is necessary to achieve compliance with the objectives of this Act.

The Governor shall issue such executive orders and constitute such working groups or committees, composed of government officials and employees or private citizens, that will expedite and facilitate these interagency collaboration agreements.

It is hereby provided that the Humacao Juvenile Home shall be used to shelter orphan or unfortunate children who have not been classified as transgressors of the law.

Section 10. — Auction Review Board. (8 L.P.R.A. § 560)

The Auction Review Board is hereby created to attend to and resolve the appeals filed by persons affected by the decisions of the Administration's Auction Board and review the decisions in the field of purchasing and supplies delegated to it by the Administrator or the Secretary. The Review Board shall also have the faculty to formulate recommendations to the Administrator or the Secretary with regard to the regulations in effect concerning purchasing and supplies.

The Auction Review Board shall be composed of three (3) persons of the highest moral stature and of known competence and experience in the matters this body will deal with. The members of the Review Board shall be appointed by the Administrator and they shall not have any direct or indirect interest in the businesses or projects that do business with the Administration or with the Department or which are totally or partially financed by the Administration or the Department.

The Review Board shall evaluate and resolve the appeals filed by those persons affected by the decisions of the Auction Board. The affected person may file the appeals within the term of ten (10) days following the date on which the adverse decision is notified. In the case of those other bodies related to the auction procedures whose decisions it is charged with reviewing, the term within which the affected person may file the appeal before this forum shall be provided through an Administrative Order.

In order to carry out its charge, the Review Board may hold administrative hearings, receive testimony, summon witnesses, request the presentation of books, documents and any other evidence, receive and examine it and any other pertinent evidence, regulate the hearings and issue orders pursuant to its resolutions.

Any resolution of the Auction Review Board may be appealed before the Court of First Instance within the term of thirty (30) days following the date of the resolution.

Section 11. — The Administration Personnel. (8 L.P.R.A. § 561)

The Administration shall be constituted as an Individual Administrator for the purposes of Act No. 5 of October 14, 1975.

Notwithstanding the above and in order to ensure the necessary capacity and operational flexibility, the following faculties are hereby granted to it:

(a) The Administration may request the Office of Management and Budget for authority to create and reclassify transitory, fixed duration and career service positions, when an unpostponable need for additional personnel arises to attend to exceptional and unforeseen or emergency situations such as periodic work load increases, short-term special activities, substitution of career employees enjoying some type of paid leave to render services in special projects of a specific duration whether defrayed with Commonwealth or federal funds or a combination thereof.

The duration of these positions shall not exceed one year. In the case of special projects of a specific duration, they shall be created for the duration of the project.

Transitory positions shall be classified using the same career positions classification criteria and shall be assigned to the classes included in the classification plan.

(b) The Administration may establish complementary compensation or retribution methods based on measurable productivity criteria for employees with a regular career status or those in positions of trust. Norms adopted for these purposes shall be established through regulations and shall not have the effect of altering the salary structures presently in effect nor conflict in their retributive aspect with the Administration's salary structure.

(c) The Administration shall establish and maintain an educational development and training program for the Administration's human resources.

(d) In accordance with the powers granted by subsection (e) of Section 7, the Administration may contract personnel to carry out highly specialized functions whenever it is impossible to attend to personnel needs through the regular recruitment process.

The Administration shall submit a written report to the Secretary that justifies the need to recruit these services and which states that the services for which there is an interest cannot be provided by the personnel available in the Administration or the Department. The Administrator must obtain the Secretary's prior authorization as an indispensable requirement to execute such a contract.

(e) Whenever the conduct of an employee or official of the Administration is not in accordance with the established norms, the nominating authority shall impose the corresponding disciplinary action.

(f) Any regular career employee may be dismissed or suspended from employment and salary after filing charges in writing. Every filing of charges must be preceded by an administrative investigation that will determine whether the facts sustain the need for such a measure in light of the evidence obtained. When the investigation of facts is centered on a particular employee, he will have the right to remain silent and not to incriminate him/herself.

When the employee's conduct involves the illegal use of public funds or when there are reasonable grounds to believe that it constitutes a real danger to the safety, life or morals of the clientele or the Administration's employees or the people in general, he may be suspended from work prior to the investigation. The investigation will be carried out promptly and a determination as to whether the filing of charges was justified or not shall be made as soon as possible.

The employee shall be notified of the filing of charges along with a summary of the facts upon which the disciplinary action is based and the norms, rules or acts violated by such conduct. He shall be informed of his/her right to an informal administrative hearing to

explain his/her version of the facts if he requests it within fifteen (15) days following the notice of the filing of charges.

After the informal administrative hearing, or if the fifteen (15) days have elapsed without it being requested, the nominating authority shall determine the corresponding final action and shall advise the employee thereof. If the final decision is to dismiss the employee or suspend him/her from salary and employment, he will be advised of his/her right to appeal before the Board of Appeals of the Personnel Administration System within thirty (30) days after having received notice thereof.

Section 12. — [Rules and Regulations] (8 L.P.R.A. § 561)

The Administration will establish and put in effect rules and regulations with respect to the custody, use, conservation and disposal of documents, records, papers, files and communications related to services rendered to the clientele that guarantee the confidential nature of the minor's records. Provided, That in cases of documents of a fiscal nature, their conservation shall be subject to Treasury Department regulations pursuant to the provisions of Act No. 5, approved December 8, 1955, as amended [3 L.P.R.A. § 1001 et seq.].

No Administration official, employee or individual may request, receive, make use of, disclose nor allow the use of any information concerning the clientele for purposes not related to those of this Act or any other applicable act. Violators of this provision shall incur a misdemeanor and, if convicted, shall be fined five hundred (500) dollars, or imprisoned for a term of not less than ten (10) days nor more than three (3) months or both penalties. The person shall also be subject to the administrative disciplinary measures contemplated by subsection (f) of Section 12.

Section 13. — [Transfers] (8 L.P.R.A. § 551 note)

All the powers, faculties, and duties carried out or held to date by the Assistant Secretaryship for Social Treatment Centers related to the institutions and facilities for the clientele's detention, custody and social treatment, as well as the obligations contracted by virtue of agreements, are hereby transferred to the Administration. The functions and responsibilities corresponding to the Secretary by virtue of Act No. 88 of July 9, 1986 as amended, are likewise transferred hereby.

It is also hereby provided for the transfer to the Administration of all the personnel, records, equipment, materials, available funds and the use of juvenile institutions that are being used by the Assistant Secretaryship for Social Treatment Centers with relation to the transferred functions and any other faculties and responsibilities related to the heretofore described institutions or the clientele thereof, exercised by the Secretary by virtue of special statutes.

The Secretary of Transportation and Public Works is hereby directed to transfer to the Administration, upon the request of the Secretary of Social Services, the use of the lands and structures owned by the Commonwealth of Puerto Rico that are being used as juvenile institutions. Those institutions or facilities financed by the Public Buildings Authority or subject to any restriction or condition that hinders the transfer, are hereby exempted from this transfer.

Section 14. — [Transfers] (8 L.P.R.A. § 551 note)

Officials and employees transferred to the Administration by virtue of Section 14 of this Act shall retain all rights acquired pursuant to the applicable laws, norms and regulations.

Without impairing the above, the following is hereby established with respect to the status of the transferred employees:

- a) Employees holding permanent positions corresponding to the career service upon the effectiveness of this Act shall be transferred with a regular career status.
- b) Employees holding transitory or fixed duration positions corresponding to the career service upon the effectiveness of this Act shall be transferred with a transitory status.
- c) Employees holding permanent positions corresponding to service of trust shall be transferred with a status of trust.
- (d) Employees who are holding positions corresponding to the irregular service shall be transferred with and irregular status.
- (e) The Administration shall be authorized to create the position of juvenile institutions director within the service of trust. A person who is appointed to the position of Director of the Center must belong to one of the professions related to human conduct, shall have experience in the profession and be committed to defend and apply the principles of rehabilitation and resocialization of minors. Employees holding these positions, may be relocated to other Department or Administration positions of similar rank, renumeration and status even though they will retain their rights.

Section 15. — [Temporary Provisions] (8 L.P.R.A. § 551 note)

The Secretary shall be empowered to adopt transitory measures and make the necessary decisions so that the transfer directed by virtue of this Act is carried out without affecting the services of the juvenile institutions transferred herein.

The Secretary may make provisional determinations with regard to personnel transferred from the Assistant Secretaryship for Social Treatment Centers whose functions encompass other programs or services of the Department.

Until the norms and regulations needed to carry out the purposes of this Act are adopted, the regulations that apply to juvenile institutions and services transferred by virtue of this Act shall continue in effect when they are not in conflict with the provisions of the latter.

The transfers directed by virtue of this Act shall not affect the contractual obligations nor the administrative actions and judicial claims pending on its effective date which shall continue to be processed in conformity with previous legislation.

Section 16. — [Appropriations] (8 L.P.R.A. § 551 note)

The funds needed to carry out the purposes of this Act during the 1988-89 fiscal year were appropriated to the Department of Social Services and shall be transferred to the Administration pursuant to the provisions of Section 14 of this Act. As of fiscal year 1989-90 the funds needed to carry out the purposes of this Act shall be consigned in the General Budget of the Commonwealth of Puerto Rico.

Section 17. — [Effectiveness]

This Act shall take effect thirty (30) days after its approval.

Note. This compilation was prepared by Puerto Rico OMB staff who have striven to ensure it is complete and accurate. However, this is not an official compilation and may not be completely free of error. It contains all amendments incorporated for reading purposes only. For accuracy and exactitude please refer to the act original text. Compiled by the Office of Management and Budget Library.