

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

Rad. 76-00-131-10-012-2018-00122-00

Santiago de Cali, veintiuno de julio de dos mil veinte

Auto N° 470

Conforme a memorial allegado por la parte demandada SE PONE EN CONOCIMIENTO a los interesados por el término de tres (3) días, la Valoración Psicológica realizada por la Psicóloga ELIZABETH VELEZ GALLEGO al adolescente ALEJANDRO CALLE MUÑOZ, así como del Informe Social llevado a cabo por la Trabajadora Social LINA MARIA VIVERO EUSSE en el hogar del adolescente en mención, valoraciones que fueron efectuadas en Estados Unidos, para las aclaraciones o complementación a que haya lugar.

De otra parte, atendiendo que la Cancillería de Colombia allega Oficio S/N del 26 de marzo de 2020, emitido por el Departamento de Justicia División Civil Oficina de Asistencia Judicial Internacional de Washington, referente a las diligencias realizadas dentro del presente proceso y a través de la cual se solicitaba realizar diligencia de valoración psicológica al demandado y a su hijo ALEJANDRO CALLE MUÑOZ, documentos que se encuentran en idioma inglés, el Despacho ORDENA LA TRADUCCIÓN al idioma español de los folios 532 a 535 designando como perito traductor al señor JORGE EDUARDO SOLANILLA MAFLA, quien figura en la lista de auxiliares de justicia, poniendo de presente que el pago de la traducción de documentos, por ser una prueba solicitada por la parte actora, estará a cargo de la misma, conforme al art. 364 numeral 1, del C.G.P. Esta experticia deberá rendirse por parte del perito traductor ante el Despacho dentro de los ocho (8) días siguientes a la notificación de la labor encomendada.

NOTIFIQUESE,


ANDREA ROLDAN NOREÑA
JUEZ

Cali, Marzo 11 de 2020

Señores

JUZGADO DOCE (12) DE FAMILIA DE ORALIDAD DE CALI

Atención Doctora ANDREA ROLDAN NOREÑA

E. S. D.

Proceso : CUSTODIA Y CUIDADO PERSONAL
Demandante : PAOLA XIMENA MUÑOZ MARTINEZ
Demandado : DIEGO ALEJANDRO CALLE MADRID
Menor : ALEJANDRO CALLE MUÑOZ
Radicación : 2018 - 122

MARIA ELENA FAJARDO RODRIGUEZ, mayor de edad, vecina de ésta ciudad, identificada con la C.C. No. 31.257.341 y Tarjeta Profesional 43.546 del Consejo Superior de la Judicatura, apoderada del señor **DIEGO ALEJANDRO CALLE MADRID**, manifiesto al despacho que:

El pasado **siete (7) de Febrero de 2020**, por petición del juzgado Tercero (3) de Familia de Cali, en donde cursa la demanda de SOLICITUD PERMISO PARA SALIR DEL PAIS del menor **ALEJANDRO CALLE MUÑOZ**, bajo la radicación 2018 – 292, profesionales en psicología de los Estados Unidos, realizaron valoración psicológica al menor, y en el informe social, último párrafo se lee:

“De acuerdo a la visita domiciliaria realizada, confirmo que al menor Alejandro se le ofrece un medio familiar que protege sus necesidades a todo nivel, lo que se califica como un entorno protector y garantista de sus derechos fundamentales”. Firmado por la trabajadora social LINA MARIA VIVERO EUSSE.

Así mismo en el informe de la señora Elizabeth Vélez Gallego, se lee:

“Alejandro expreso que disfruta salir con sus amigos a actividades como montar patineta, ir al centro comercial o al cine. Su padre provee para dichas actividades según el menor. Alejandro comento sobre el divorcio de sus padres y mudanzas subsecuentes por dificultades económicas, pero indico una mejora gradual en su calidad de vida en los últimos años. Alejandro fue cuestionado sobre su preferencia y si se sentía bien y cómodo viviendo con su padre..... indico que sí, también fue cuestionado sobre su

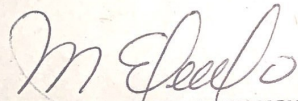
relación con la abuela paterna y su esposo, e indicó que también tiene buena relación con su abuela. Alejandro expreso sentirse apegado a su padre y le gustaría continuar viviendo con él".

"Durante la valoración psicológica, no hubieron índices de problemas mayores aparte del proceso normal de aculturación en un país extraño, tanto para el menor como para su padre. Por consiguiente, la valoración psicológica es favorable y no se hallaron problemas psicológicos mayores en el niño, durante esta evaluación.

Entrego al despacho, fotocopia de dicha valoración, contenida en seis (6) folios, allegada al despacho desde los Estados Unidos, pero si lo creen necesario, solicito al despacho, requerir directamente al JUZGADO TERCERO DE FAMILIA, para que envíen a su despacho, copia de la mencionada valoración psicológica, practicada en los Estados Unidos al menor ALEJANDRO CALLE MUÑOZ.

Solicito además a la señora Juez, tener en cuenta las valoraciones que se le han practicado al menor por parte de la Comisaria de Familia y de Bienestar Familiar, en Cali, Colombia, siendo esta la tercera valoración psicológica para el menor, con el fin de no revictimizarlo, pues ya ha sido valorado en tres ocasiones por diferentes profesionales.

De la señora Juez, con el mayor respeto.



MARIA ELENA FAJARDO RODRIGUEZ

C.C. No. 31.257.341

Tarjeta Profesional 43.546 del C. S. de la J.

Edificio Campestre Towers Calle 11 No. 100 - 121 of. 808
Teléfonos: 3129586 - 3130347 Celular: 315-413 0819
mariaelenafajardo@hotmail.com
Santiago de Cali

Valoración Psicológica

Consulado General De Colombia en Orlando, Florida-Estados Unidos

February 17, 2020

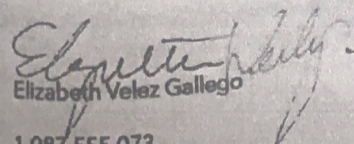
RE: Alejandro Calle Munoz
5810 SW 109th Street Rd.
Ocala, FL 34476

A Quien Concerna:

Por petición del Juzgado Tercero de Familia de Orality de Cali, Colombia se ha realizado una valoración psicológica al menor Alejandro Calle Munoz de 14 años de edad el día 7 de Febrero del 2020. Inicialmente hablamos con el padre, Diego Alejandro Calle quien nos autorizo a hablar con el menor. Alejandro se presento con un carácter nervioso por dicha entrevista. El menor actualmente cursa el noveno grado en la secundaria de West Port y académicamente va bien (notas de A y B, ocasionalmente C). Alejandro expreso dificultad inicialmente en la escuela por problemas de intimidación (Bullying) de otros compañeros hacia él, pero fue resuelto a travez del consejero escolar.

Alejandro expreso que disfruta salir con sus amigos a actividades como montar patineta, ir al centro comercial o al cine. Su padre provee para dichas actividades según el menor. Alejandro comento sobre el divorcio de sus padres y mudanzas subsecuentes por dificultades económicas, pero indico una mejora gradual en su calidad de vida en los últimos años. Alejandro fue cuestionado sobre su preferencia, y si se sentía bien y cómodo viviendo con su padre. Alejandro indico que si. También fue cuestionado sobre su relación con la abuela paterna y su esposo, e indico que también tiene buena relación con su abuela. Alejandro expreso sentirse apegado a su padre y le gustaría continuar viviendo con él.

Durante la valoración psicológica, no hubieron indices de problemas mayores a parte de el proceso normal de aculturación en un país extraño, tanto para el menor como para su padre. Por consiguiente, la valoración psicológica es favorable y no se hallaron problemas psicológicos mayores en el niño durante esta evaluación.


Elizabeth Velez Gallego

1.087.555.073

INFORME SOCIAL

TECNICAS UTILIZADAS

1. Revision Documental (expediente)
2. Visita domiciliaria al lugar de residencia del padre (01/07/2020).
3. Entrevista con el Sr. Diego Alejandro Calle Madrid.
4. Observación directa del menor, la vivienda y el entorno.

OBJETIVO

Verificar y constatar las condiciones socioeconómicas del señor Diego Alejandro Calle Madrid, y evaluar el entorno familiar que le ofrece al menor Alejandro Calle Muñoz.

IDENTIFICACION DEL MENOR

Alejandro Calle Muñoz cuenta con 14 años de edad, cursa el 9° en la Escuela Secundaria, West Port High School la cual queda a 8.4 millas de la vivienda (13 minutos) y a ella asiste de lunes a viernes de 9:20 am a 3:30 pm.

PERSONAS QUE FACILITARON LA INFORMACIÓN

Básicamente el señor Diego Alejandro Calle Madrid atendió y brindó la información requerida y participó indirectamente la madre del señor Diego Alejandro, María Brown.

COMPOSICION FAMILIAR Y SISTEMA CONVIVENCIAL

El Sistema familiar del menor Alejandro esta conformado por el padre el señor Diego Alejandro Calle Madrid, el es Ingeniero Electrico titulado en Colombia. Trabaja para una empresa de aire acondicionado en el área mecánica desde que llegó a este país. Cuenta con algunos beneficios laborales y beneficios del sistema de seguridad social.

El Sistema convivencial esta constituido por María Brown, madre del señor Diego Alejandro Calle Madrid y abuela del menor Alejandro, Richard Brown esposo de la señora María Brown, el señor Diego Alejandro y el menor Alejandro.

Se constituye como una familia extensa, por la convivencia de abuelos, padres, hijo y nieto, personas de diferentes generaciones y vínculos de consanguinidad y afectividad.

La señora Brown labora 4 días a la semana en un Nursing Home de 3 pm a 11 pm. Ella se encarga de los oficios domésticos de la casa, la preparación de los alimentos, el acompañamiento al señor Diego Alejandro en el cuidado y atención del menor Alejandro, con quien tiene una buena relación, sin desconocer la autoridad que ejerce el señor Diego Alejandro como padre, y atendiendo las indicaciones que él le señala.

ANTECEDENTES FAMILIARES

El señor Diego Alejandro lleva divorciado 3 años de los cuales ha vivido con Alejandro 2 años en Colombia y 1 en Estados Unidos.

El señor Diego Alejandro al no lograr la unidad y permanencia del matrimonio, decidió divorciarse, tiene la custodia y la patria potestad compartida. El tiene a su cargo la tenencia y el cuidado del menor. No maneja relaciones cordiales con la madre del menor.

El padre del menor ha procurado mantener una sana convivencia con el menor basado en los valores sociales y claros principios respecto a relaciones, obligaciones y emociones. Se evidencia que hay una espontánea expresión de afecto, interacción natural y que habría acompañamiento permanente en la crianza del menor Alejandro, en su desarrollo emocional, dentro de un marco fundamentado en un sistema de normas, límites claros, horarios para todas las actividades, asignación de responsabilidades acordes a la edad y ciclo de desarrollo, como una clara comunicación basada en la confianza, comprensión y solidaridad.

ASPECTO DE SALUD

El señor Diego Alejandro tiene afiliación a seguro médico por su empleo. No tiene hábitos nocivos, ni adicciones perjudiciales para la salud. Acata y se ha adaptado a la nueva cultura, acomodándose a las normas sociales de comportamiento, laborales y legales de país.

El menor Alejandro no está vinculado a ningún seguro médico. El se vé bien, se alimenta bien, duerme bien y se observó activo y espontáneo.

DESCRIPCION DEL LUGAR VISITADO Y EL ENTORNO HABITACIONAL

El inmueble donde reside el señor Calle Madrid es una casa unifamiliar, con un área aproximada de 1719 sq., ubicada en la siguiente dirección: 5810 Southwest 109th Street Rd Ocala, Florida 34479 en los Estados Unidos de America, es de propiedad de la mamá del señor Calle Madrid, abuela materna del menor.

La casa posee los siguientes espacios sociales: sala - comedor, cocina y comedor auxiliar, además de los espacios personales para sus ocupantes de 2 habitaciones, 2

baños y zona de ropas, garaje y zona verde trasera. Cuenta con todos los servicios públicos domiciliarios básicos (agua, energía, acueducto y alcantarillado) Además de los servicios de cable e internet.

Hay un cuarto destinado para la pareja de esposos Brown y el otro para el señor Calle Madrid y su hijo Alejandro, este último decorado en forma sencilla, con dos camas, escritorio y el dóset.

La vivienda esta dotada con el mobiliario, los enseres, los electrodomésticos y el menaje necesario para llevar una vida cómoda.

La vivienda es limpia, ordenada, con buena ventilación e iluminación, con ventanas en las habitaciones y en el espacio social. Pese a que la casa en este momento se encuentra en remodelación, se observa en condiciones adecuadas de mantenimiento y es un espacio suficiente para la personas que la habitan.

El sector donde se localiza la vivienda es arborizado, con vocación residencial, calmado y solitario, sin contaminación, fácil acceso, vías en perfecto estado, y alrededor se encuentran entidades del equipamiento social básico como hospitales, escuelas, centros culturales y recreativos, Iglesias, centros comerciales y zonas bancarias. La zona es un lugar seguro y sin problemas de orden público, lo que permite el desarrollo de una vida tranquila para quienes lo habitan.

Provisionalmente esta es la casa donde el menor Alejandro Calle Muñoz vive, toda vez que la idea es mudarse a Texas.

REDES SOCIALES DE APOYO

El señor Calle Madrid lleva viviendo en Ocala, Florida 1 año y 2 meses aproximadamente, de los cuales lleva 6 meses en la dirección actual. Por el poco tiempo que lleva viviendo allí, no podría hablarse de que tiene constituidas relaciones vednales estrechas, que se dificultan además por las limitaciones propias del idioma. Sin embargo son cordiales y respetuosos con sus vecinos cercanos.

EGRESOS E INGRESOS DE LA FAMILIA

Los ingresos del señor Diego Alejandro ascienden aproximadamente a Usd \$2.000 mensuales.

Los gastos en este hogar son asumidos en su gran mayoría por la madre del señor Diego Alejandro y su esposo. El señor Diego Alejandro asume los gastos como si tuviera rentado un cuarto en una casa de familia y asume los gastos de manutención de él y su hijo. Dice no tener deudas bancarias y que en Colombia solo debe asumir los gastos de abogado por los procesos que su ex-esposa ha entablado

en su contra. Mientras reciba el apoyo de su madre en los gastos de la vivienda se podría decir que tiene una condición económicamente estable.

FACTORES DE RIESGO

- Que al menor lo afecte romper el lazo con la mamá y con los familiares que tiene en Colombia. La relación materno filial se podría conservar con el compromiso de que diariamente el menor Alejandro mantenga contacto con su mamá por teléfono (WhatsApp) El señor Diego Alejandro esta dispuesto a que el niño viaje a Colombia a visitar a su madre y familiares. Aunque la conflictiva relación interpersonal entre los progenitores, ha contribuido a un distanciamiento de menor con su madre.
- Que el menor no se amane o no se adapte al nuevo país de residencia.

FACTORES DE PROTECCION

Se verificó que el menor vive en un medio familiar que le satisface sus necesidades materiales de acuerdo con la posición económica. Ellos viven confortablemente, se encuentran en un entorno tranquilo que le asegura una crianza de calidad, seguridad y protección psico-afectiva y emocional.

- El menor Alejandro llegó a vivir en un modelo de familia tradicional.
- El menor Alejandro ingresó a un colegio en el que va a perfeccionar el idioma inglés.
- El horario del colegio al que asiste el menor le permite al padre trabajar fuera de la casa, además de que cuenta con la ayuda de su madre (abuela) para atenderlo en los momentos en que el padre no se encuentre y acompañarlo en su vida diaria para apoyarlo en sus necesidades, tareas escolares y ayudarlo en su proceso de adaptación al nuevo país.
- El entorno de la residencia es seguro y tiene redes vecinales sanas.
- La situación económica estable de la señora Brown, madre de Diego Alejandro y Abuela de Alejandro.
- La vivienda tiene suficiente espacio y es óptima para acoger al menor.

CONCEPTO SOCIAL

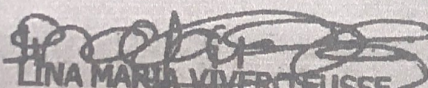
De acuerdo con la observación directa y lo escuchado a través de la entrevista, se puede conceptualizar que la condición habitacional que el padre ofrece a su hijo, es adecuado en cuanto a tamaño, orden, limpieza y espacio personal, no hay hacinamiento, ni factores que puedan poner en peligro o entorpecer el crecimiento del menor.

El entorno que actualmente tiene Alejandro se percibe ventajoso para su desarrollo integral, se observa en él un alto sentido de pertenencia al lugar, identificación con pares, sin situaciones que pongan en riesgo la integridad del mismo.

Al momento de la visita Alejandro se encontraba tranquilo, en adecuadas condiciones de presentación personal, sociable, identificado y apropiado de su entorno, de su casa y artículos personales; cómodos en la interacción, en la relación con el padre y con su abuela, la señora Maria Brown.

El barrio y la casa ofrecen seguridad, comodidad y tranquilidad para el crecimiento integral, además de una gran red de servicios sociales que favorecen la interacción de él fuera de su casa, esto es canchas deportivas, centros comerciales y unidades de salud, entre otra serie de ventajas del sector donde viven.

De acuerdo a la visita domiciliar realizada, confirmo que al menor Alejandro se le ofrece un medio familiar que protege sus necesidades a todo nivel, lo que se califica como un entorno protector y garantista de sus derechos fundamentales.


LINA MARIA VIVERO EUSSE
Trabajadora Social

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4. Solicitud de Obtención de Pruebas en el Extranjero del 7 de

Rad-2018-00127

MANUEL DE JESUS LOPEZ MATEUS <Manuel.Lopez@cancilleria.gov.co>

Jue 25/06/2020 21:08

Para: Juzgado 12 Familia - Valle Del Cauca - Cali <j12fccali@cendoj.ramajudicial.gov.co>

CC: DANIEL RICARDO ESCOBAR CARDOZO <daniel.escobar@cancilleria.gov.co>; LINA CASTILLO BEDOYA <Lina.Castillo@cancilleria.gov.co>

2 archivos adjuntos (14 MB)

M.pdf; S-GACCJ-20-001810.pdf;

Señores

JUZGADO DOCE DE FAMILIA DEL CIRCUITOCalle 12 # 5 - 75, Centro Comercial Plaza Caicedo
Cali – Valle del Cauca

Cordial saludo,

De manera atenta, me permito remitir Memorando S-GACCJ-20-001810 del 24 de junio de 2020 y sus anexos, dentro del proceso CEAJ 27970/2018. Agradecemos de antemano su recepción.

Cordialmente,

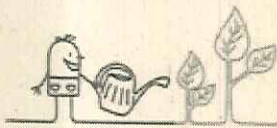
**El futuro
es de todos****Cancillería
de Colombia**

GIT de Asuntos Consulares y Cooperación Judicial

Manuel de Jesús López Mateus**Asesor Consulados Honorarios**manuel.lopez@cancilleria.gov.co

Tel. 57(1) 381 4000, Ext: 1679

Carrera 6 No. 9 – 46, Ed. López de Mesa, Of. LM 407

www.cancilleria.gov.co

Piense bien si es necesario imprimir este mensaje.

Antes de imprimir este e-mail, piense bien si es necesario hacerlo. En Cancillería estamos cuidando el medio ambiente. El medio ambiente depende de todos.

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You may exercise your rights by writing to: the personal Data Protection Department, Ministry of Foreign Affairs at: Protección de Datos Personales, Ministerio de Relaciones Exteriores, Carrera 5 No. 09-03, Bogotá, Colombia; or email: contactenos@cancilleria.gov.co

D/MS



JEDavidson:kvo:svr

U.S. Department of Justice
Civil Division
Office of International Judicial Assistance

U.S. Central Authority
Benjamin Franklin Station
P.O. Box 14360
Washington, DC 20044
+1 (202) 514-6700
OIAA@usdoj.gov

Ministerio de Relaciones Exteriores
Radiado No: E-CGC-20-011139.142 Folios
Fecha y Hora: 23-06-2020 12:10:49 PM
Anexos: 140

March 26, 2020

Mr. Daniel Ricardo Escobar Cardozo
Coordinador del Grupo Interno de Trabajo
de Asuntos Consulares
Dirección de Asuntos Migratorios, Consulares y Servicio al Ciudadano
Ministerio de Relaciones Exteriores
Edificio Luis López de Mesa
Carrera 6, Número 9 – 46, LM 301
Bogotá D.C.
Colombia

Re: Request for International Judicial Assistance from the Family Court Twelve of
Orality Cali, Colombia in Paola Ximena Muñoz Martínez v. Diego Alejandro
Calle Madrid, Ref No.: 76001311001220180012200
DJ Reference No.: 189-29-20-4

Dear Mr. Escobar Cardozo:

Reference is made to the above-captioned matter seeking international judicial assistance pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters ("Hague Evidence Convention"). Unfortunately, we are returning this Request without action because the Court is seeking assistance we are unable to provide.

This Request seeks a social worker home visit of Diego Alejandro Calle Madrid's house and a psychological analysis of Mr. Calle Madrid and Alejandro Calle Muñoz. In general, we will execute Letters of Request seeking to obtain documents or testimony from a properly identified witness, provided that the requested assistance is within the scope of authority of U.S. courts. Article 12(a) of the Hague Evidence Convention allows a State to return a Request unexecuted if "in the State of execution the execution of the Letter does not fall within the functions of the judiciary." United States courts do not conduct factual investigations and are not authorized to employ investigators. Accordingly, there is no competent authority that can execute the portion of the Request seeking a social worker home visit.

Please note that the parties are free to hire an investigator or private attorney to obtain the requested information. Alternatively, the Colombian Court may contact Diego Alejandro Calle Madrid directly to have him arrange for a home study by a licensed social worker in their state or Colombia's embassy and consulate personnel in the United States may be able to conduct a "welfare and whereabouts" visit. Under certain circumstances, the state child welfare office may

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provide assistance if directly contacted by the Requesting Authority or litigants. OIJA plays no role in such arrangements. For more information, please review the enclosed OIJA Evidence and Service Guidance (available online here: <https://www.justice.gov/civil/evidence-requests>).

We are also returning the portion of the Request seeking an expert report from an unnamed psychological expert without action because we are unable to execute it. Article 3 of the Hague Evidence Convention sets forth the information that is to be included in a proper Letter of Request. This includes the evidence to be obtained and the names and addresses of the persons to be examined. *See* Article 3(d)-(e). The above-referenced Request does not include a properly identified witness. The Request asks for a U.S. court to appoint a psychological expert, but, in U.S. courts, this is typically done by the parties to the litigation. As such, the U.S. Central Authority is unable to appoint a psychological expert as requested. Please see the attached guidance for information on how to submit a request for expert testimony that OIJA may be able to execute. In particular, please review Sections II and III(B).

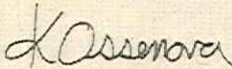
In summary, in order for the Court to resubmit the portion of the Request seeking a psychological report for execution, the Court must identify and name the specific expert and provide the required contact information to OIJA in a new Letter of Request. The Letter of Request must also provide assurances that both the expert and the individuals have been contacted and are willing to comply with the Request. Additionally, it must include the name and contact information for the individual responsible for paying the expert. Without satisfying all of these steps, OIJA will not be able to execute the Request.

Please address any questions you may have to Katerina.V.Ossenova@usdoj.gov or 202-353-0194 at any time.

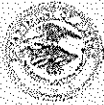
Very truly yours,

JEANNE E. DAVIDSON
Director

By:



KATERINA V. OSSENOVA
Trial Attorney



JDavidson:kvo:svr

U.S. Department of Justice
Civil Division
Office of International Judicial Assistance

U.S. Central Authority
Benjamin Franklin Station
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GUIDANCE ON HOW TO OBTAIN U.S. EXPERT TESTIMONY

I. Overview

Generally, under the United States' adversarial legal system, it is up to the individual parties in litigation in the United States to obtain, communicate with, pay, and proffer their own expert witnesses, to the extent that either party desires; there is no requirement that such testimony be provided in any case. Rarely do U.S. judges in the United States become directly involved in the procurement and appointment of expert witnesses. In all cases, the provision of expert testimony is contingent upon the consent of the desired expert to testify.

Given this domestic practice, the United States has emphasized that it may be unable to fulfill requests that ask the U.S. Department of Justice's Office of International Judicial Assistance ("OIJA")¹ to identify, and act as an intermediary for, U.S.-based experts sought by foreign courts. In its response to the 2003 Questionnaire on the Hague Evidence Convention, the United States expressed its opinion that requests seeking "to hire experts to render opinions in complex matters... go beyond the scope of the Convention or... beyond what the [U.S.] Central Authority can be reasonably requested to perform..."² Accordingly, consistent with the position stated publicly in 2003 and with U.S. Supreme Court precedent restricting the handling of burdensome evidence requests,³ OIJA may return overbroad and burdensome requests unexecuted to the Requesting Authority. However, under certain circumstances, where the Requesting Authority identifies a specific expert to perform a clearly defined act, OIJA may be able to facilitate the execution of the request.

II. How to Make a Proper Expert-Related Request

This guidance sets out the baseline requirements Requesting Authorities must meet in order for OIJA to comply with their expert-related requests. In accordance with guidance expressed in the Hague Conference on Private International Law's *Practical Handbook on the*

¹ OIJA is the U.S. Central Authority pursuant to the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters and for evidence requests received through diplomatic channels in civil or commercial matters.

² Response of the United States of America, 2003 Questionnaire re: 1970 Hague Convention on Taking of Evidence Abroad in Civil or Commercial Matters, Oct. 2003 ("2003 Response"), p. 2, https://assets.heel.net/upload/wop/lsc_20us_tot.pdf.

³ See, e.g., *Intel Corp v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 265 (2004) ("unduly intrusive or burdensome requests may be rejected"); *Societe Nationale Industrielle Aerospatiale v. U.S. Dist. Court for the S.D. Iowa*, 482 U.S. 522 (1987) ("Judicial supervision of discovery should always seek to minimize its costs and inconvenience and to prevent improper uses of discovery requests.").

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Operation of the Evidence Convention. OIJA strongly recommends that foreign courts provide as much detail as possible when sending expert-related requests.⁴ Requests must indicate the evidence to be obtained, the names and addresses of the person(s) to be examined, the questions to be asked or – at minimum – a statement of the subject-matter about which they are to be examined, or the documents or other property to be inspected.⁵ See HEC Article 3(d)-(g). A request for an unidentified expert to opine on an unspecified subject, or to review unenumerated documents, cannot be executed.

In addition, the Hague Evidence Convention is clear that OIJA need not take on financial responsibility when assisting in obtaining expert testimony. See HEC Article 14(2). While payment will be required for any expert's services, our office is unable to provide an estimation of costs as we play no role in the arrangement for or payment of the expert's services. Our office does not have the ability to pay for such expenses; thus, payment needs to be made directly to the expert by the Requesting Authority or litigant.

The Requesting Authority must provide the following information in any expert witness-related request submitted to OIJA:

- Name and contact information (address, phone number, or email) for the chosen expert;
- Assurance that expert has been contacted, has agreed to undertake the work, and payment arrangements have been made;
- Name and contact information (preferably email address) for the individual responsible for payment for expert's services; and
- Assurance that the expert's work will commence immediately and be completed in a timely fashion (OIJA will not keep expert requests open in perpetuity, and may close a request until such time as it is notified that the expert is ready to begin his or her work).

If applicable, the request may also include the name and contact information for counsel in the United States who can assist this office in facilitating the execution of the request.

III. *Further Guidance for Specific Types of Witnesses*

Specific requirements for particular kinds of experts are described below.

A. Accounting Experts

The United States has noted "request[s] that an accounting expert be retained to render an opinion as to the books and records of a corporation doing business within the United States" as a particular example of the type of requests which OIJA may not be able to execute.⁶ Therefore, in addition to the requirements for facilitating general expert testimony set out above, requests

⁴ See Hague Conference on Private International Law, *Practical Handbook on the Operation of the Evidence Convention* ¶ 128, at 53 (4th ed. 2016) (advocating for detailed questions and/or statements of subject-matter in requests, since "the requested authority is unlikely to know more about the nature of the proceeding than that which is specified in the Letter of Request.")

⁵ While evidence requests received through diplomatic channels are not bound by the requirements of the Hague Evidence Convention, functionally OIJA would apply the same requirements outlined in this memorandum for letters rogatory requests sent pursuant to diplomatic channels.

⁶ 2003 Response, p. 2.

for accounting experts who will review corporate or other financial records must also include the following:

- The records to be reviewed themselves; or
- A specific statement of the records to be reviewed; and
- Assurance that the company of interest has been contacted by the Requesting Authority and is willing to let the expert review its records voluntarily; and
- Name and contact information for a point of contact at the company who is responsible for making arrangements between the expert and the company.

If the company is unwilling to voluntarily provide the expert access to its records, the Court will also need to submit a Letter of Request specifically detailing the records from the company that it would like the expert to review. This Letter of Request will need to specify the documents needed in order for a U.S. District Court to grant the order compelling production of the documents pursuant to 28 U.S.C. § 1782. Please note this request must be narrowly tailored and not overly broad or burdensome.

Once these documents are compelled, subject to any immunities and privileges the company may assert, OJA will provide them to the designated expert for analysis, i.e., only then can the expert conduct his or her audit, subject to the requirements outlined above. Kindly note, the process to compel the records may take approximately six months, perhaps longer.

B. Medical Experts

Where medical or other experts are sought to examine individuals, our office will not be able to compel the individuals to undergo the evaluation; they must be willing to undergo the evaluation voluntarily. Accordingly, in addition to the expert-specific requirements laid out in the beginning of this document, any request falling under this category must also include:

- Name and contact information for the individual(s), or a point of contact for the individual(s), who will undergo the evaluation; and
- Assurance that the individual(s) are voluntarily willing to allow the expert to perform the evaluation.

IV. Conclusion

If one or more of the expert request requirements set out in the preceding sections is not met, the request will be returned unexecuted. Once a request is received with all the information outlined above, our office will forward the request to the appointed expert. The expert, in accordance with his or her schedule, will arrange a time to complete the evaluation or analysis and produce the report. OJA will transmit the report to the Requesting Authority. The Requesting Authority is responsible for paying the expert for his services. As noted above, we expect that the expert will be imminently available and will complete the report in a timely fashion. OJA reserves the right to return a request unexecuted where this proves not to be the case.

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Finally, please note that, pursuant to 28 U.S.C. § 1782(b), there is no restriction on individuals providing evidence voluntarily for use in foreign proceedings. Thus, all of these arrangements may be made directly between the Requesting Authority and its desired expert without the involvement of our office.



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11 de junio de 2018

**Asistencia disponible en los Estados Unidos de conformidad con las Convenciones
Internacionales de la Notificación de Documentos y Recopilación de Pruebas**

Notificación de Documentos

La Oficina de Asistencia Judicial Internacional ("OIIA," por sus siglas en inglés) del Departamento de Justicia de los Estados Unidos funge como Autoridad Central de acuerdo al Convenio de La Haya sobre la Notificación o Traslado en el Extranjero de Documentos Judiciales y Extrajudiciales en Materia Civil o Comercial ("Convención de Notificación de La Haya"). La OIIA igualmente se desempeña como Autoridad Central de acuerdo al Protocolo Adicional de la Convención Interamericana sobre Exhortos o Cartas Rogatorias ("Convención Interamericana"), del cual los Estados Unidos es signatario para fines de la notificación legal de documentos. Asimismo, la OIIA se encarga de las solicitudes de notificación recibidas de los países que no son parte de los Convenios a través de canales diplomáticos. Las solicitudes de notificación al gobierno de EE.UU., sus departamentos, agencias u organismos deben enviarse directamente a OIIA. La notificación de documentos judiciales y extrajudiciales dirigidos a personas físicas o empresas ubicadas en los Estados Unidos se llevará a cabo a través de un contratista privado. Por lo tanto, las solicitudes de notificación y las consultas relacionadas con las notificaciones, deben enviarse directamente al contratista de OIIA, ABC Legal (anteriormente conocido como PFI), al domicilio: 633 Yesler Way, Seattle, WA 98104, EE.UU. Para las solicitudes de notificación conforme a la Convención de Notificación de La Haya o cartas rogatorias a través de canales diplomáticos, los documentos deben ir acompañados de una tarifa de procesamiento de US \$95, que deberá ser pagada a "ABC Legal Services." No se aplican tarifas por solicitudes de notificación de conformidad con la Convención Interamericana o solicitudes de notificación al gobierno de los E.E. U.U., no se aplican tarifas por solicitudes de notificación/entrega. La información adicional se encuentra disponible aquí: <https://www.abclegal.com/international-service-of-process> y <https://www.hech.net/en/states/authorities/details3/?aid=279>. Consulte también nuestro sitio web para obtener orientación adicional: <https://www.justice.gov/civil-espanol/solicitud-de-notificaci-n>.

Para obtener la actualización del estado de una solicitud de notificación pendiente enviada a ABC Legal, por favor contactar en: internationalinfo@abclegal.com o (001) 206-521-9000.

Los Estados Unidos no tiene objeción respecto de la entrega informal de dichos documentos vía correo electrónico o por personas privadas, si son válidas conforme a la legislación aplicable, siempre que no se utilice la compulsión. En dichos casos, no es necesario que las solicitudes de notificación se envíen a ABC Legal para su ejecución.

Recopilación de pruebas

Los Estados Unidos elaborará las Cartas de Solicitud enviadas de conformidad con el Convenio de La Haya sobre Obtención de Pruebas en el Extranjero en Materia Civil o Comercial ("Convenio de Pruebas de La Haya") o cartas rogatorias recibidas mediante vías diplomáticas que buscan testimonios o documentos específicos de testigos debidamente identificados.¹ Ejecutamos solicitudes que buscan la realización de un acto judicial que los tribunales en los Estados Unidos pueden realizar bajo la ley de los EE.UU. El alcance de los actos judiciales permitidos, se encuentra generalmente definido por las Reglas Federales de Procedimiento Civil de los EE.UU.² La siguiente información proporciona una visión general de la asistencia judicial internacional para asuntos civiles y comerciales en los Estados Unidos con respecto a varios tipos de pruebas comúnmente solicitadas.

Para los miembros del Convenio de Pruebas de La Haya, las Cartas de Solicitud pueden enviarse directamente a nuestra oficina a la siguiente dirección:

U.S. Department of Justice
Civil Division
Office of International Judicial Assistance
Benjamin Franklin Station
P.O. Box 14360
Washington, D.C. 20044
United States of America

Las Cartas de Solicitud también pueden enviarse electrónicamente a la Autoridad Central de los EE.UU. al correo electrónico: OIJA@usdoj.gov.

Las solicitudes realizadas mediante cartas rogatorias se transmiten vía diplomática a nuestra oficina. Las cartas rogatorias entregadas al Departamento de Estado de EE.UU., deben incluir preferentemente una carta de presentación que indique que la solicitud de pruebas se requiere en un asunto civil o comercial y solicita que el Departamento de Estado de EE.UU., transmita las cartas rogatorias a OIJA para su ejecución. Las cartas rogatorias deben enviarse a la siguiente dirección:

Judicial Assistance Officer
U.S. Department of State
Office of Legal Affairs (CA/OCS/L)
SA-17, 10th Floor
2201 C Street, NW
Washington, DC 20522-1710

¹ Los Estados Unidos es únicamente parte del Protocolo Adicional a la Convención Interamericana sobre Exhortos o Cartas Rogatorias (IAC, por sus siglas en inglés) para efectos de la notificación del proceso, no la recopilación de pruebas. Por lo tanto, las solicitudes de pruebas realizadas de conformidad con la Convención Interamericana serán devueltas sin ejecutar. Posteriormente, la solicitud deberá ser presentada de nuevo vía diplomática o de conformidad con el Convenio de Pruebas de La Haya, si la Autoridad Requirente es parte en ese Convenio.

² Disponible para descarga en inglés: <http://www.uscourts.gov/uscourts/rules/civil-procedure.pdf>.

I. Requisitos Generales para Solicitudes de Asistencia Judicial Internacional

Generalmente, una solicitud debe contener los nombres de las partes en el procedimiento extranjero y una descripción suficientemente detallada de la naturaleza del procedimiento subyacente. La solicitud debe proporcionar la dirección a la cual debe enviarse cualquier correspondencia o pruebas obtenidas, ya sea la de la Autoridad Central o de la Autoridad Solicitante. Si la solicitud no contiene una dirección, la ejecución puede retrasarse o la prueba puede no ser devuelta exitosamente. Si se solicita la búsqueda de pruebas documentales, la solicitud debe incluir una descripción suficiente de los documentos para permitir a la autoridad competente ejecutar la solicitud e identificarlos. Si la solicitud busca la declaración de un testigo, la solicitud debe incluir el nombre y la información de contacto del testigo y una lista de preguntas específicas para ser planteadas, así como cualquier instrucción que la Autoridad Solicitante pueda tener con respecto a la forma de interrogar, por ejemplo, si lo hará bajo juramento o no, y si existen privilegios aplicables. Toda esta información debe ser proporcionada en inglés. A menos que se solicite específicamente una declaración oral, el método para obtener la declaración de los testigos es mediante respuestas por escrito a los interrogatorios. Si el tribunal requiere una declaración,³ la solicitud debe: (1) indicar claramente que se necesita una transcripción oficial del testimonio; (2) proporcionar una garantía de que se pagará el costo del funcionario escribano; y (3) proporcionar información de contacto (preferiblemente vía correo electrónico) de la parte responsable de pagarle al funcionario escribano (ver Sección II.b). Si una solicitud de declaración no proporciona toda esta información, el testimonio se obtendrá a través de respuestas por escrito.

Para asegurar un proceso eficiente y rápido, exhortamos a las Autoridades Solicitantes a proporcionar su información de contacto, preferentemente una dirección de correo electrónico, a la cual se puedan enviar consultas de aclaración. Esta información de contacto también se puede usar para buscar garantías de reembolso de costos y facilitar el pago cuando sea necesario (consulte la Sección II.b). También exhortamos a las Autoridades Solicitantes a utilizar la Carta Modelo de Solicitud proporcionada por la Conferencia de La Haya de Derecho Internacional Privado como una guía para asegurar que la solicitud incluye toda la información necesaria.⁴ Consulte nuestro sitio web para obtener información adicional: <https://www.justice.gov/civil-espanol/solicitud-de-notificaci-n>.

II. Consideraciones Procesales

a. *Tiempo de Ejecución*

Si bien intentamos actuar de manera expedita cuando se llevan a cabo las solicitudes de pruebas, en ocasiones la ejecución se retrasa debido a circunstancias que van más allá de nuestro

³ Las declaraciones orales hechas en los Estados Unidos requieren un funcionario escribano que elabore una transcripción del testimonio. La solicitud y uso del funcionario escribano para transcribir las declaraciones orales incurre en costos, aproximadamente de US \$200- \$250 por testigo, mismos que deberán ser reembolsados.

⁴ Disponible en <https://assets.iceh.net/docs/c7b6b267-49e9-4e02-b814-c0780e5b65e3.pdf> (favor de tener en cuenta que este formulario también es una guía útil para las Autoridades Solicitantes que envían solicitudes mediante la vía diplomática, ya que los requisitos para las solicitudes enviadas según cualquiera de los métodos son similares).

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control. Generalmente, las solicitudes de pruebas se ejecutan entre tres (3) a seis (6) meses. Sin embargo, si el testigo no manifiesta su conformidad en declarar o es incapaz de declarar voluntariamente, la prueba será obligatoria de conformidad con lo establecido en el Título 28 Sección 1782 del Código de los EE.UU., cuyo proceso es más largo.

Si la solicitud especifica la fecha en la cual la Autoridad Requirente necesita recibir respuesta, se tomará dicha fecha en consideración. Sin embargo, en algunas ocasiones estaremos imposibilitados en cumplir con la fecha límite requerida. La práctica habitual es proceder con la ejecución y enviar una carta de reconocimiento a la Autoridad Solicitante explicando las razones por las que no será posible cumplir con la fecha límite requerida. Si en algún momento la prueba ya no es necesaria, favor de hacérselo saber vía correo electrónico: OJA@usdoj.gov.

b. *Gastos y Cuotas*

Generalmente, los Estados Unidos puede llevar a cabo solicitudes sin reembolso. Sin embargo, los Estados Unidos puede solicitar el reembolso de los costos a los terceros relacionados con la obtención de la prueba solicitada. Comúnmente, esto implica gastos asociados con el proceso de notificación, los honorarios del funcionario escribano por la transcripción de una declaración, o los honorarios del laboratorio por la recolección de una muestra de ADN. Donde sea permisible y posible, nuestra oficina proporcionará información sobre dónde realizar el pago, para que el tribunal del extranjero o las partes del juicio puedan realizar el pago directamente. Nos esforzaremos por notificar al tribunal extranjero sobre cualquier gasto que deba pagarse con anticipación. Si se solicita un reembolso, el pago preferiblemente deberá ser realizado mediante cheque a la Oficina del Fiscal de los EE.UU. Sin embargo, siempre que sea posible, también proporcionaremos información sobre cómo reembolsar a la Oficina del Fiscal de los EE.UU. mediante transferencia bancaria.

III. Solicitudes que los Estados Unidos no Pueda Ejecutar

a. *Investigaciones*

En los Estados Unidos, los tribunales no pueden realizar investigaciones basadas en hechos o contratar investigadores privados. Además, los Estados Unidos no mantiene un registro central de sus residentes. Por lo tanto, no es posible llevar a cabo solicitudes que pretendan obtener la dirección de una persona física o de un patrón, los activos y las participaciones, el estado civil, condición económica y social, u otras consultas relacionadas con herencias que requieran investigación. Tampoco es posible ejecutar solicitudes que requieran una investigación de la salud y el bienestar de menores que se encuentren en los Estados Unidos. Las Autoridades Solicitantes y quienes formen parte del juicio son libres de contratar investigadores de forma independiente para obtener la información deseada. Alternativamente, el personal del consulado y la embajada del país extranjero pueden realizar visitas de "bienestar y paradero," y bajo ciertas circunstancias, las oficinas estatales de bienestar infantil pueden proporcionar asistencia si la Autoridad Solicitante o los litigantes se ponen en contacto directo con ellos. OJA no se involucra o participa en dichas visitas.

Igualmente, existen diversos mecanismos de búsqueda en Internet que permiten a las partes ubicar la dirección de una persona física o identificar compañías que realizan "skip tracing," una

frase utilizada para describir el proceso de localización de personas cuyas direcciones son desconocidas. Una vez que se identifica una dirección, las partes son libres de contactar a la persona para determinar si él o ella proporcionarán voluntariamente las pruebas necesarias, o la Autoridad Solicitante puede emitir una solicitud de asistencia judicial internacional, que debe incluir la información de contacto del testigo y la lista de las preguntas que se le realizarán al testigo. También se pueden enviar solicitudes para confirmar si una dirección está vigente, pero solo si se proporciona suficiente información de identificación sobre la persona y su última dirección conocida.

Para las investigaciones sociales o económicas, una alternativa es que la Autoridad Solicitante emita una solicitud identificando a un testigo con conocimiento de la condición económica o social de la persona y proporcione la lista de preguntas que se le realizarán a dicho testigo. Por ejemplo, si la persona trabaja o ha trabajado en los Estados Unidos y la Autoridad Solicitante puede identificar al/a los patrón/es, se pueden solicitar testimonios y pruebas documentales con respecto a los ingresos de la persona. Además, si la Autoridad Solicitante identifica bienes inmuebles propiedad de la persona, podremos obtener registros de la propiedad. También podemos obtener información sobre cuentas bancarias específicas (consulte la Sección IV.g).

b. Opiniones Legales o Consultivas

Las solicitudes de opiniones legales están fuera del alcance de la asistencia judicial que OIJA puede brindar. Los tribunales de los EE.UU., no pueden emitir opiniones consultivas sobre asuntos legales. Véase también el Informe sobre el trabajo de la Comisión Especial de mayo de 1985 sobre el funcionamiento del Convenio de 18 de marzo de 1970 sobre Obtención de Pruebas en el Extranjero en Materia Civil o Comercial, Parte I, § 1 (D). Por lo tanto, las solicitudes que buscan interpretaciones de leyes u opiniones legales no se pueden ejecutar. Para obtener una opinión sobre la ley, las partes pueden contratar a un abogado privado con licencia en la jurisdicción pertinente de los EE.UU., para llevar a cabo investigaciones legales.

c. Ejecución de un Sentencia u Orden Judicial

Las solicitudes de ejecución de una sentencia o una orden judicial están fuera del alcance de la asistencia judicial que OIJA puede proporcionar. Además, no es posible ejecutar solicitudes que requieran la confiscación de activos, el embargo de salarios, la transferencia de propiedad o cualquier otra acción afirmativa. Para la ejecución de una sentencia u orden judicial emitidos en el extranjero, incautación de bienes, transferencia de una propiedad o tomar cualquier acción legal afirmativa en los Estados Unidos, las partes deben contratar a un abogado privado que debe entablar una acción civil ante el tribunal de los EE.UU., que tenga jurisdicción sobre la persona o propiedad en cuestión.

d. Información de Impuesto a la Renta

En el caso de solicitudes que consistan en la búsqueda de información del Servicio de Impuestos Internos de los Estados Unidos ("IRS," por sus siglas en inglés), el contribuyente o la persona autorizada para solicitar los registros de impuestos (en el caso de un contribuyente fallecido o entidad comercial) puede proporcionar el consentimiento necesario completando uno de

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los diversos formularios del IRS dependiendo de la información solicitada. El IRS solo puede proporcionar copias de los registros y no puede realizar o gestionar investigaciones sobre el historial tributario de los contribuyentes. El formulario 4506 (declaraciones de impuestos) y el formulario 4506T (transcripciones de impuestos) se deben usar para proporcionar el consentimiento requerido (formularios e instrucciones disponibles en línea en <https://www.irs.gov/uac/form-8821-tax-information-authorization>). El IRS debe recibir el formulario debidamente firmado dentro de los 120 días posteriores a la fecha de firma. Además, se debe de pagar una tarifa de US \$50.00 por cada declaración de impuestos solicitada, y el pago debe hacerse mediante cheque o giro bancario. Tome en cuenta que no hay una tarifa por obtener las transcripciones de impuestos. La persona autorizada para dar su consentimiento debe completar el formulario y designar al tribunal extranjero como la parte que recibirá los registros. Si el IRS puede proporcionar algún registro, lo reenviará directamente al tribunal extranjero. Nuestra oficina no se involucra en solicitudes de registros del IRS. Para más información sobre cómo solicitar registros del IRS, por favor contacte con OIJA.

e. *Testimonio Voluntario a través de Videoconferencia*

Los Estados Unidos ocasionalmente reciben solicitudes para la declaración de una persona en los Estados Unidos vía videoconferencia y bajo la conducción de un juez o abogado de un país extranjero.

OIJA no puede ejecutar este tipo de solicitud toda vez que no se le solicita a los Estados Unidos obtener directamente la prueba en nombre de la corte extranjera. OIJA solo ejecutará las solicitudes que le requieran a los Estados Unidos, con el carácter de estado requerido, que obtenga la prueba directamente del testigo. Por lo tanto, OIJA no puede ejecutar una solicitud que requiera organizar una videoconferencia para que el tribunal extranjero o un abogado extranjero, en lugar de un abogado del Departamento de Justicia de los EE.UU., pueda formular directamente las preguntas. Sin embargo, dicha declaración vía videoconferencia es válida y no viola las leyes de los EE.UU., y siempre y cuando sea de manera voluntaria. Si ese es el caso, la declaración se puede realizar de forma privada.

Sin embargo, si el testigo no está dispuesto a comparecer voluntariamente en dicha declaración vía videoconferencia, el tribunal extranjero tiene la posibilidad de presentar una solicitud a nuestra oficina. En tal caso, el tribunal extranjero proporcionará a OIJA el nombre y la dirección del testigo y las preguntas específicas que se le formularán al mismo. Un Abogado del Departamento de Justicia podría obligar al testigo a comparecer a declarar emitiendo un citatorio. A solicitud del tribunal extranjero, los abogados interesados de las partes o un juez extranjero pueden estar presentes en la declaración. En la declaración, el Abogado del Departamento de Justicia realizará al testigo las preguntas que fueron proporcionadas en la solicitud. Cualquier persona presente de la Autoridad Solicitante en el momento de la declaración solo podrá hacer preguntas de seguimiento que aclaren las presentadas en la solicitud. La transcripción de la declaración será devuelta al tribunal extranjero por OIJA. Para obtener más información, visite el Perfil de Video-Link de la Autoridad Central de los EE.UU.: <https://assets.hcch.net/docs/b4f23c79-dc6f-41e8-a7f7-23906749750a.pdf>.

IV. Limitaciones en Ciertos Tipos de Solicitudes

a. *Obtención de Órdenes Judiciales, Información Corporativa y Otra Información Públicamente Disponible*

La información pública disponible, como copias de órdenes judiciales, leyes e información de registro de la compañía, es considerada por los Estados Unidos como fuera del alcance de la asistencia que puede brindar nuestra oficina, ya que no está dentro de la función de la judicatura de los EE.UU., el proporcionar tales documentos.

La Autoridad Solicitante o las partes en el litigio pueden obtener copias de los documentos del tribunal mediante la identificación del tribunal pertinente y visitando el sitio web del tribunal. Utilizando un mecanismo de búsqueda en internet, la Autoridad Solicitante o las partes pueden identificar el sitio web del tribunal correspondiente buscando el nombre del tribunal. Además, el Acceso Público a los Registros Electrónicos del Tribunal ("PACER," por sus siglas en inglés) es un servicio electrónico de acceso público que permite a los usuarios obtener información de casos y expedientes en línea de tribunales federales de apelaciones, distritos y quiebras. PACER está disponible en la página web www.pacer.gov. Favor de tomar cuenta que algunos sitios web pueden requerir la creación de una cuenta y/o pago para la obtención de documentos. La mayoría de los tribunales de los EE.UU. pueden proporcionar directamente registros judiciales certificados a cambio de una tarifa que deberá ser pagada al tribunal por la Autoridad Solicitante o las partes en el litigio.

La información de registro de la compañía se puede obtener mediante la Secretaría de Estado en función del estado en donde se encuentra la compañía. Por ejemplo, para obtener información sobre una compañía constituida en California, visite el sitio web de la Secretaría de Estado de California: <http://www.sos.ca.gov/>. Favor de tomar en cuenta que ciertos estados requieren de un pago previo para acceder a la información de la compañía, la cual deberá ser pagada por la Autoridad Solicitante o las partes en el litigio.

b. *Registros Vitales*

Los registros vitales, tales como certificados de nacimiento, certificados de defunción, certificados de matrimonio y las actas de divorcio⁵ se pueden obtener mediante el gobierno local del estado en el que se produjo el hecho relevante. El Centro Nacional de Estadísticas de Salud (<https://www.cdc.gov/nchs/w2w/index.htm>) proporciona enlaces para obtener información relacionada con los documentos de registro de cada estado. Ciertas personas, según lo determine el estado y dependiendo el tipo de registro, pueden solicitar copias de registros vitales directamente del estado o a través de VitalChek (<https://www.vitalchek.com/>). Si el tribunal o los litigantes del procedimiento extranjero no pueden obtener un registro vital directamente, nuestra oficina posiblemente puede emitir el registro obteniendo una orden judicial de conformidad con el Título 28 Sección 1782 del Código de los EE.UU. La solicitud de registros vitales debe proporcionar el

⁵ Favor de tener en cuenta que las actas de divorcio, en donde se describen los términos del divorcio, no son documentos disponibles al público y solo pueden ser obtenidos por quien forme parte del procedimiento o mediante una orden judicial. Sin embargo, es posible que tribunales extranjeros o las partes del litigio en el extranjero obtengan la prueba del divorcio en forma de un certificado o decreto en ciertas jurisdicciones.

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estado en los Estados Unidos que tiene el registro y toda la información requerida por ese estado para liberar el registro.

c. *Autorización para Obtener Registros de Seguridad Social y Registros Médicos*

Según la ley de los EE.UU., las prestaciones de seguridad social y los registros médicos de una persona son confidenciales y no pueden divulgarse sin la autorización firmada de dicha persona, su tutor o representante legal.

i. *Registros de Seguridad Social*

Los registros de seguridad social, resguardados por la Administración de Seguridad Social de los EE.UU. ("SSA," por sus siglas en inglés), son confidenciales y no pueden divulgarse sin el consentimiento firmado de la persona. Una solicitud de registros de seguridad social debe incluir el nombre, el número de seguro social ("SSN," por sus siglas en inglés) y la fecha de nacimiento de la persona cuyos registros se buscan. Si el SSN no está disponible, se debe proporcionar el lugar de nacimiento de la persona, el apellido de soltera de la madre o el nombre del padre, además del nombre y fecha de nacimiento de la persona. La solicitud también debe proporcionar información de antecedentes que explique por qué se necesitan los registros. La información y los registros buscados deben identificarse y describirse claramente o la solicitud no será procesada. Por último, el formulario de consentimiento debe incluir una firma clara y legible. Favor de visitar <https://secure.ssa.gov/apps10/poms.nsf/lnx/0203305003>.

Cuando se solicita información no tributaria, como pagos de pensión, prestaciones de seguridad social, etc., la persona debe completar el Formulario SSA-3288 para proporcionar el consentimiento requerido, disponible en <http://www.ssa.gov/online/ssa-3288.pdf>. Este formulario debe ser completado en su totalidad y firmado por la persona. El formulario de consentimiento firmado será recibido por SSA dentro de un año a partir de la fecha de firma del consentimiento de la persona. Sujeto a algunas excepciones, si la solicitud busca información no tributaria con respecto a una persona fallecida, esos registros pueden divulgarse sin consentimiento cuando la solicitud incluya una prueba aceptable de fallecimiento. Favor de visitar <https://secure.ssa.gov/apps10/poms.nsf/lnx/0203315010>.

Para obtener información fiscal, incluyendo las ganancias y la información laboral, se debe utilizar el Formulario SSA-7050-F4 para que una persona autorizada brinde su consentimiento, disponible en <https://www.ssa.gov/forms/ssa-7050.pdf>. El formulario de consentimiento debe ser recibido por SSA dentro de los 120 días a partir de la fecha de firma del consentimiento de la persona. Para obtener más información sobre cómo solicitar registros de SSA correctamente, favor de ponerse en contacto con OIJA.

ii. *Expedientes Médicos*

Los proveedores de atención médica no pueden divulgar registros médicos a menos que el paciente o su representante legal haya otorgado autorización. El paciente o su representante legal deben proporcionar un formulario de divulgación de información médica que contenga: (1) el nombre o identificación de la(s) persona(s)/tipo de personas autorizadas para realizar la solicitud; (2) el nombre o identificación de otra(s) persona(s)/ clase de personas a quienes la entidad de atención médica puede proporcionar la información de salud protegida; (3) una descripción de la

información que se utilizará/divulgará que identifica específicamente la información; (4) una descripción de los propósitos para su uso/divulgación; (5) una fecha de vencimiento o un evento de vencimiento que se relaciona con la persona o los propósitos para su uso/divulgación; (6) firma de la persona y la fecha; (7) un reconocimiento de que el paciente o representante ha sido notificado de su derecho a revocar la autorización por escrito; (8) una descripción de cómo la persona puede revocar la autorización y las excepciones al derecho de revocación; (9) el tratamiento, pago, inscripción o elegibilidad de los beneficios no pueden estar condicionados a que el paciente firme el formulario de autorización; y (10) la divulgación de la información autorizada, puede estar sujeta a una nueva divulgación y existe la posibilidad de que ya no esté protegida por la ley federal. 45 C.F.R. § 164.508 (a)(2) (2013). Si un formulario de autorización no proporciona toda la información requerida, OIJA no puede ejecutar la solicitud. Por favor, póngase en contacto con OIJA@usdoj.gov, para que OIJA le pueda proporcionar un formato del Modelo del Formulario de Autorización Médica, un ejemplo de una Carta de Presentación y una Hoja de Instrucciones.

d. Registro de Cruces Fronterizos e Inmigración

En los Estados Unidos, los registros de cruces fronterizos e inmigración son resguardados por diferentes departamentos y agencias dentro del gobierno de los Estados Unidos. Por lo tanto, el tipo de registro buscado determinará qué departamento y agencia maneja la información solicitada.

La Oficina de Aduanas y Protección Fronteriza de los Estados Unidos ("CBP," por sus siglas en inglés) mantiene ciertos registros respecto de las entradas y salidas de los Estados Unidos por parte de cualquier persona. Para obtener estos registros, la solicitud debe incluir información de identificación respecto de la persona para que se puedan ubicar sus registros. La solicitud debe incluir el nombre completo y la fecha de nacimiento de la persona, así como el número de pasaporte, si está disponible. Para obtener mayor información sobre cómo solicitar registros de CBP, favor de contactar a OIJA.

El Servicio de Ciudadanía e Inmigración de los Estados Unidos ("USCIS," por sus siglas en inglés) resguardan los registros del estado de inmigración y ciudadanía de una persona. Para obtener estos registros, la solicitud debe incluir información de identificación de la persona para que se puedan ubicar sus registros. La solicitud debe incluir el nombre de la persona, fecha de nacimiento y lugar de nacimiento. En su caso, se puede proporcionar el alias, el número "A-File" de la persona (número de inmigración de los EE.UU.), y el SSN. En algunos casos, USCIS no podrá ubicar los registros (debido a su edad o la falta de información de identificación) o la persona estará protegida por una disposición de confidencialidad, por lo que los registros no estarán disponibles.

Las solicitudes de visa y la información del pasaporte de los EE.UU., se envían directamente al Departamento de Estado de los EE.UU., pero la divulgación de estos registros se realizará caso por caso. La Ley de Inmigración y Nacionalidad ("INA," por sus siglas en inglés) § 222(f), 8 U.S.C. § 1202(f), establece que los registros de visas son confidenciales, estando sujetas a ciertas excepciones limitadas. La información en los registros de visas se usará solo para la formulación, enmienda, administración o cumplimiento de las leyes de inmigración, nacionalidad y otras leyes de los Estados Unidos. La Sección 222(f) (1), otorga al Secretario de Estado la facultad de emitir copias certificadas de registros, que pueden ponerse a disposición de un tribunal extranjero que certifique que la información contenida en dichos registros es necesaria para el

tribunal y para los fines e interés de la justicia en un caso pendiente ante dicho tribunal. Para que el Departamento de Estado de los EE.UU., determine si debe de proporcionarse alguna prueba para los fines e interés de la justicia, la solicitud debe articular claramente los motivos para lo cual se busca la información y se proporcionen los antecedentes del caso que indiquen cómo esta prueba ayudará en la determinación del caso.

e. Datos de Importación y Exportación

La Oficina de Aduanas y Protección Fronteriza de los Estados Unidos ("CBP," por sus siglas en inglés) también contiene los registros sobre las importaciones y exportaciones de los Estados Unidos, incluyendo información sobre las confiscaciones. Las solicitudes de información de importación deben incluir información suficiente para identificar los envíos en cuestión o describir específicamente los tipos de información solicitada y un rango de fechas para búsqueda. CBP está limitado por ley respecto de las circunstancias bajo las cuales puede proporcionar datos de exportación y está expresamente prohibido por ley proporcionar dicha información con fines comerciales. Para obtener mayor información sobre cómo solicitar datos de importación y exportación, favor de ponerse en contacto con OIJA.

f. Comunicaciones Electrónicas

Se puede realizar una solicitud para obtener comunicaciones electrónicas, tales como correos electrónicos, de un proveedor de servicios de Internet (Google, Yahoo!, Facebook, etc.). Sin embargo, los proveedores de servicios de internet no están obligados a divulgar el contenido de las comunicaciones en el contexto de las solicitudes civiles de asistencia judicial internacional. Consulte la Ley de Comunicaciones Almacenadas ("SCA," por sus siglas en inglés), codificada como 18 U.S.C. §§ 2701-2711. Probablemente, todo lo que se obtenga conforme a una Carta de Solicitud son los registros de usuario y registro del cliente, que pueden incluir el nombre del cliente, dirección, registros de conexión telefónica local y de larga distancia, o registros de tiempos de sesiones y duraciones, duración del servicio (incluyendo fecha de inicio) y tipos de servicio utilizados; número de teléfono o instrumento u otro número de suscripción o identidad, incluyendo cualquier dirección de red asignada temporalmente; y medios y fuente de pago para dicho servicio (incluyendo cualquier número de tarjeta de crédito o cuenta bancaria). Estas solicitudes siempre requieren una orden judicial, que la Autoridad Central de los EE.UU., a través de la Oficina del Fiscal de los EE.UU., obtendrá de conformidad con el Título 28 Sección 1782(a) del Código de los EE.UU. Para que estas solicitudes sean debidamente ejecutadas, la solicitud debe incluir una copia de la orden del tribunal extranjero, con su correspondiente traducción al inglés, explicando la prueba específica que se solicita y su relevancia para el procedimiento extranjero.

Favor de tomar en cuenta que la Primera Enmienda de la Constitución de los EE.UU., protege el derecho a la libertad de expresión en internet, incluido el derecho del autor a permanecer en el anonimato. Si bien este derecho no es ilimitado, el nivel de protección otorgado a un orador depende de las circunstancias y el tipo de discurso en cuestión. El discurso político tiene el más alto nivel de protección, mientras que un discurso comercial tiene una medida de protección limitada. Además, los tribunales de los EE.UU., han sido claros respecto de que los proveedores de servicios de internet pueden hacer valer los derechos de la Primera Enmienda en nombre de sus usuarios. Cuando una solicitud implica las protecciones de la Primera Enmienda, antes de decidir si se emitirá la orden judicial, los tribunales de los EE.UU., deben determinar la naturaleza del

discurso involucrado y el tipo de análisis apropiado a usar para equilibrar los derechos de las partes. Independientemente del tipo de análisis elegido, los tribunales de los EE.UU. deben contar con información suficiente sobre la causa subyacente de la acción y los procedimientos, así como sobre la relevancia de la prueba solicitada, a fin de determinar si se emitirá una orden judicial que obligue a proporcionar dicha prueba. Si a OJIA no se le es proporcionada suficiente información para este tipo de análisis, la solicitud se devolverá sin ejecutar.

g. Registros Bancarios

Para obtener registros bancarios, la solicitud debe incluir información sobre cuentas bancarias en específico. La solicitud debe incluir el nombre completo del titular de la cuenta, el nombre del banco en el que se tiene la cuenta, el número de cuenta y preferiblemente otra información de identificación personal, como el número de seguro social, la dirección de la persona, la fecha de nacimiento, etc. Las solicitudes que solo proporcionan el nombre de la persona y el nombre del banco no pueden ser ejecutadas; se requiere información de identificación adicional sobre la persona. Estas solicitudes generalmente requieren una orden judicial, en donde la propia Autoridad Central de los EE.UU., o a través de la Oficina del Fiscal de los EE.UU., obtendrá la información de conformidad con el Título 28 Sección 1782(a) del Código de los EE.UU. Asimismo, cada institución financiera principal tiene una oficina nacional de procesamiento de citatorios. Si bien una solicitud debe identificar una sucursal bancaria o ubicación en particular, estas solicitudes siempre se enviarán a la oficina designada a nivel nacional correspondiente. Es importante tomar en cuenta que, según la ley federal de los EE.UU., las instituciones financieras solo conservan registros de clientes y empresas por hasta 7 años o, como máximo, 10 años.

Si la solicitud consiste en la búsqueda de pruebas de cualquiera de los afiliados de J.P. Morgan Chase Bank N.A. (incluyendo Chase Bank N.A., Chase Bank USA, etc.), favor de incluir a "J.P. Morgan Chase Bank N.A." como testigo en la solicitud. Para los registros de "Bank of America," la solicitud debe incluir el periodo de tiempo por el cual se solicitan los registros. Por último, "Bank of New York" ya no es una entidad legal; por lo tanto, favor de nombrar a "The Bank of New York Mellon Corporation" o "The Bank of New York Mellon" como testigo. Si recibimos solicitudes relacionadas con estas instituciones y no cumplen con estos requisitos, las mismas serán devueltas sin ejecutar.

h. Muestras de ADN

En los Estados Unidos, las solicitudes de muestras de ADN deben incluir los nombres de la madre, del menor de edad y del padre putativo junto con su dirección actual. Si es posible, también se debe proporcionar la fecha de nacimiento o el número de seguridad social del padre putativo. La solicitud también debe contener información de hechos suficiente para demostrar que existe una base para creer que el testigo podría ser el padre del menor en cuestión. Si no se proporciona suficiente información de antecedentes para identificar plenamente al padre putativo y su posible conexión con el menor, no estaremos en posibilidad de ejecutar la solicitud. Asimismo, el laboratorio médico extranjero encargado de analizar la muestra de ADN debe mencionar los materiales que se utilizarán para obtener la muestra (como un kit de muestra bucal), proporcionar las instrucciones para la obtención de la muestra de ADN e indicar qué documentos de identificación deben de ser proporcionados por la persona al momento de la toma de muestra.

(fotografía, huellas dactilares, copia del pasaporte). La solicitud también debe incluir la dirección a donde se devolverá la muestra que no sea una Oficina de Correos. Favor de tomar en cuenta que puede haber costos relacionados con la obtención de la muestra de ADN si se utiliza un laboratorio privado, mismo que deberá ser reembolsado al acreedor (consulte la Sección II.b).

i. *Peritos*

No se pueden ejecutar solicitudes para el nombramiento de un perito no especificado para realizar una investigación o auditoría y preparar un informe. Sin embargo, bajo ciertas circunstancias en específico, cuando la Autoridad Solicitante identifique a un perito en específico para realizar un acto claramente definido y haya acordado previamente el pago directo de los servicios del perito, podemos contactar a dicho y ejecutar la solicitud. La solicitud también debe proporcionar un punto de contacto para la entidad de interés y asegurarse de que la entidad permitirá que el perito acceda a sus registros. Si la solicitud requiere que el experto revise y analice documentos de una entidad que no dará el acceso al perito a sus instalaciones o que no proporcionará los documentos voluntariamente, se debe presentar una solicitud por separado para obtener registros en específico, para lo cual OIJA obtendrá una orden judicial y emitirá un citatorio. Una vez que se reciban los documentos, OIJA reenviará los documentos al perito para su examinación. Este tipo de solicitud no es común y a la fecha se ha limitado a peritos contables que revisan registros de las empresas plenamente identificados.

V. Ohtención Directa de Pruebas a través de los Tribunales de los EE.UU.

Conforme a la legislación de los EE.UU., cualquier "parte interesada" puede presentar una solicitud de conformidad con el Título 28 Sección 1782(a) del Código de los EE.UU., en un Tribunal de Distrito de los EE.UU., y solicitar al Tribunal que obligue a presentar pruebas en los Estados Unidos en apoyo a un litigio en el extranjero. Favor de consultar 28 U.S.C. § 1782(a). OIJA no estará involucrado en un procedimiento de este tipo iniciado por partes privadas.

VI. Información del Contacto

Favor de tomar en cuenta que, si bien todos los documentos judiciales deben traducirse al idioma inglés, podemos mantener contacto en idioma español por teléfono o por correo electrónico. Si existe alguna pregunta o duda adicional, favor de ponerse en contacto con nosotros al correo electrónico: OIJA@usdoj.gov o por teléfono al número +1-202-514-6700.



El futuro
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Cancillería
de Colombia

S-GACCJ-20-005799

Bogotá, D.C., 25 de Febrero de 2020

Señora

JEANNE DAVIDSON

Departamento De Justicia

División Civil

Oficina de Asistencia Judicial Internacional

Benjamin Franklin Station

P.O. Box 14360

Washington, D.C. 20004

Estado Unidos

Asunto: Solicitud de Obtención de Pruebas en el Extranjero

Respetada Señora:

De manera atenta, nos permitimos remitir copia del oficio No. 0082 del 7 de febrero de 2020, allegado a este Ministerio el día 18 de febrero del presente año, librado por el Juzgado Doce de Familia del Circuito de Cali – Valle del Cauca, dentro del proceso de Custodia y Cuidado Personal No. 760013110012-2018-00122-00, iniciado por PAOLA XIMENA MUÑOZ MARTINEZ contra DIEGO ALEJANDRO CALLE MADRID, mediante el cual se solicita realizar diligencia de valoración psicológica al demandado y a su hijo adolescente ALEJANDRO CALLE MUÑOZ.

Lo anterior, en virtud del Convenio de 18 de marzo de 1970 sobre la Obtención de Pruebas en el Extranjero en Materia Civil o Comercial, suscrito en La Haya, aprobado mediante Ley 1282 de 2009.

En la correspondencia relacionada con el asunto, favor citar el CEAJ 27970/2018.

Cordialmente,

Firmado digitalmente por: 2020/02/25

DANIEL RICARDO ESCOBAR CARDOZO

Coordinador del Grupo Interno de Trabajo de Asuntos Consulares
y Cooperación Judicial

Anexos: UN EXPEDIENTE:

DANIELA BUELVAS GALVAN / LINA CASTILLO BEDOYA /
0047.0479.0000 - Proceso de Cooperación Judicial

Calle 10 No 5 – 51 Palacio de San Carlos
Calle 10 No 5 – 51 Palacio de San Carlos
P.O. Box 14360 – Tel: 333.47.47
www.cancilleria.gov.co / www.asistenciajudicial.gov.co
Bogotá D.C., Colombia Sur América



189-29-20-4
MAR 16 2020

OSDS 5-1-01

**REPUBLICA DE COLOMBIA
RAMA JUDICIAL**



Letter rogatory

N ° 001

**THE COLOMBIAN AUTHORITY FAMILY JUDGE TWELVE IN ORALITY of CALI
PLEDGE**

TO THE COURT OF THE STATE OF LA FLORIDA, UNITED STATES, PLEASE
SERVE TO ORDER THE PRACTICE OF THE FOLLOWING DILIGENCE:

PERFORM PSYCHOLOGICAL OPINION OF MR DIEGO ALEJANDRO CALLE
MUÑOZ MENTAL STATE HEALTH AND OF HIS ADOLESCENT SON
ALEJANDRO CALLE MUÑOZ.

THE ABOVE, IT IS REQUIRED TO MAKE A JUDGMENT WITHIN THE CUSTODY
AND PERSONAL CARE PROCESS ADVANCED IN THIS JUDICIAL OFFICE,
THAT IS PROMOTED BY Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, BY
THROUGH OF HER ATTORNEY JUDICIAL.

ONCE THE DILIGENCE IS COMPLETED IN ACCORDANCE WITH YOUR
NATIONAL LAW, IT WILL BE SERVED TO RETURN THE ACTING BY
DIPLOMATIC VIA.

THE JUDGE OF THE TWELVE COURT OF ORALITY OF SANTIAGO DE CALI,
COLOMBIA, ALLOWS HERSELF TO OFFER RECIPROCITY FOR SIMILAR
CASES IN ACCORDANCE WITH THE COLOMBIAN LAW AND INTERNATIONAL
CUSTOMS AND TREATIES AND TAKES ADVANTAGE OF THE OPPORTUNITY
TO MANIFEST YOUR THANKS AND CONSIDERATION.

SANTIAGO DE CALI, THE SECOND OF AUGUST TWO THOUSAND AND
NINETEEN (2019)

ANDREA ROLDAN NOREÑA

Juez

MARITZA RICO SANDOVAL

Secretaria

REPUBLICA DE COLOMBIA
RAMA JUDICIAL



CALI FAMILY JUDGE TWELVE

Rad. 76 - 00 - 131 - 10 - 012 - 2018 - 00122 - 00

Santiago de Cali, twenty five of July, two thousand nineteen (2019)

Auto N° 1245

In attention to a memorial brought by the empowered actor, the Office will order the realization of the "PSYCHOLOGICAL OPINION OF THE MENTAL HEALTH STATUS" of the father DIEGO ALEJANDRO CALLE MADRID and his son ALEJANDRO CALLE MUÑOZ through a ROGATORY LETTER TO THE COURT OF THE STATE OF FLORIDA, for being the competent body for the practice of such diligence, as reported by the Colombia General Consulate in Orlando (Florida, United States).

NOTIFY AND ACCOMPLISH.

A handwritten signature in black ink, appearing to read "Andrea Roldan Noreña".

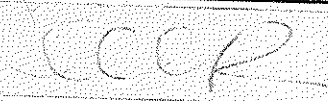
ANDREA ROLDAN NOREÑA
Juez Doce de Familia de Urvalidad Cali-Valle

LETTER OF REQUEST COMMISSION ROGATOIRE		
Hague Convention of 18 March 1979 on the Taking of Evidence Abroad in Civil or Commercial Matters Convention de La Haye du 18 mars 1979 sur l'obtention des preuves a l'etranger civile ou commerciale		
1	SENDER <i>Expediteur</i>	FAMILY COURT TWELVE OF ORALITY CALI ADDRESS: Carrera 10, Calles 12 - 13, 8th floor PALACIO DE JUSTICIA, CALI, VALLE DEL CAUCA, COLOMBIA PHONE: 88986868 Ext. 2123 MAIL: jf12fccali@cendoj.ramajudicial.gov.co
2	CENTRAL AUTHORITY OF THE REQUESTED STATE <i>Autorité centrale de l'Etat requist</i>	COMPETENT AUTHORITY - THE STATE OF FLORIDA COURT - UNITED STATES
3	PERSON TO WHOM THE EXECUTED REQUEST TO BE RETURNED <i>Personne a qui les pièces constatant l'exécutor de la demande doivent être</i>	MINISTRY OF FOREIGN AFFAIRS - REPUBLIC OF COLOMBIA
4	renvoyées SPECIFICATION OF THE DATE BY WHICH THE REQUESTING AUTHORITY REQUIRES RECEIPT OF THE RESPONSE TO THE LETTER OF REQUEST <i>Indiquer la date limite a laquelle l'autorité requérante désire recevoir la réponse a la commission rogatorie</i>	
	Date <i>Date limite</i>	28 February 2020
	REASON OF URGENCY <i>Raison de l'urgence</i>	DICTATE SENTENCE IN THE PROCESS OF CUSTODY AND PERSONAL CARE OF ADOLESCENT ALEJANDRO CALLE MUÑOZ
In conformity with article 3 of the Convention, the undersigned applicant has the honour to submit the following request: <i>En conformité de l'article 3 de la Convention, le requérant soussigné a l'honneur de présenter la demande suivante:</i>		
5. a	Requesting authority (Art. 3a)	MINISTRY OF FOREIGN AFFAIRS - REPUBLIC OF COLOMBIA
5. b	To the Competent authority of (Art. 3a) <i>A l'autorité compétente de (art. 3a)</i>	THE STATE OF FLORIDA COURT - UNITED STATES

5. c	Names of the case and any identifying number <i>Nom de l'affaire et numéro cf identification de l'affaire</i>	CUSTODY AND PERSONAL CARE RAD. 76001311001220180012200
6	Names and addresses of the parties and their representatives (including representatives in the Requested State*) (Art. 3b)	
a	Plaintiff <i>Demandeur</i>	PAOLA XIMENA MUÑOZ MARTINEZ ADDRESS: calle 44 B N° 10 - 24 in CALI, VALLE DEL CAUCA
*Permanent Bureau July 2017		
b	Representatives <i>Représentants</i>	JULIO CESAR TORRES BASTIDAS PROFESSIONAL ID N° 34.183 of the Superior Council of the Judiciary ADDRESS: Carrera 4a N° 11 - 45, office 611 Edificio Banco de Bogotá, CALI VALLE DEL CAUCA
	Defendant <i>Défendeur</i>	DIEGO ALEJANDRO CALLE MADRID ADDRESS: 5810 5W 109th Street Road, Ocala FL. 34476 USA
	Representatives <i>Représentants</i>	MARIA ELENA FAJARDO RODRIGUEZ PROFESSIONAL ID N° 43.546 ADDRESS: EDIFICO CAMPESTRE TOWERS CALLE 11 N° 100 - 21 , office 808, CALI VALLE DEL CAUCA
c	Other parties <i>Autres parties</i>	
	Representatives <i>Représentants</i>	
7. a	Nature of the proceedings (divorce, paternity, breach of contract, product liability, etc) (Art. 3c) <i>Nature et objet de l'instance (divorce, filiation, rupture de contrat, responsabilité du fait des produits, etc.) (art. 3c)</i>	CUSTODY AND PERSONAL CARE
7. b	Summary of complaint* <i>Exposé sommaire de la demande</i>	THE MINOR ALEJANDRO CALLE MUÑOZ WAS DELIVERED IN PROVISIONAL CUSTODY TO HIS FATHER DIEGO ALEJANDRO CALLE MADRID. THE FATHER HAS OBSTACULIZED THAT THE MOTHER OF THE MINOR MRS PAOLA XIMENA MUÑOZ MARTINEZ HAS CONTACT WITH HER SON. FOR THIS REASON SHE REQUESTS THAT THE CUSTODY AND PERSONAL CARE OF THE MINOR TO THE FATHER BE SUSPENDED AND THIS RIGHT BE GRANTED TO HER.
7. c	Summary of defence and counterclaim <i>Exposé sommaire de la defense ou demande reconventionnelle</i>	

7. d	Other necessary information or documents <i>Autres renseignements ou documents Utiles</i>	COPY OF THE DEMAND. SOCIAL WORKER HOME VISIT REPORT, INTERVIEW TO ALEJANDRO CALLE MUÑOZ, PSYCHOLOGICAL ASSESMENT TO MRS PAOLA XIMENA MUÑOZ MARTINEZ
8. a	Evidence to be obtained or other judicial act to be performed (Art. 3d) <i>Actes d'instruction ou autres actes judiciaires à accomplir (art. 3d)</i>	
8. b	Purpose of the evidence or judicial act sought <i>But des actes à accomplir</i>	REQUEST TO THE COURT OF THE STATE OF FLORIDA, UNITED STATES, PSYCHOLOGICAL ASSESSMENT TO DETERMINE THE MENTAL HEALTH STATE OF MR DIEGO ALEJANDRO CALLE MADRID AND HIS SON ALEJANDRO CALLE MUÑOZ
9.	Identity and address of any person to be examined (Art. 3e) <i>Identité et adresse des personnes à entendre (art. 3e)</i>	MINOR ALEJANDRO CALLE MUÑOZ ADDRESS: 5810 5W 109th Street Road, Ocala FL. 34476 USA
10.	Questions to be put to the persons to be examined or statement of the subject matter about which they are to be examined (art. 3f)* <i>Questions à poser ou faits sur lesquels les personnes susvisées</i>	THE CHILD'S REPORT MUST CONTAIN THE VERIFICATION OF PHYSICAL, PSYCHIC OR EMOTIONAL SEQUELS DERIVED FROM THE ROLES OF THEIR PROGENITORS; THE INTERNALIZATION OF THE PATERNAL AND MATERNAL FIGURES; PSYCHOFFECTIVE CONDITIONS OF THE MINOR IN RELATION TO THE QUALITY OF THE LINK WITH HIS PROGENITORS. THE FATHER'S REPORT MUST DETERMINE THE CHARACTERISTICS OF PERSONALITY AND SUITABILITY FOR THE PERFORMANCE OF THE PATERNAL ROLE AS WELL AS THE PARENTAL COMPETENCES FOR THE EXERCISE OF YOUR ROLE AS A FATHER.
11.	Documents or other property to be inspected (Art. 3g)* <i>Documents ou objets à examiner (art. 3g)</i>	
12.	Any requirement that the evidence be given on oath or affirmation and any special form to be used (art. 3h)* <i>Demande de recevoir le déposition sous serment ou avec affirmation et le cas échéant, indication de la formule à utiliser (art. 3h)</i>	

13.	Special methods or procedure to be followed (e.g. oral or in writing, verbatim transcript or summary, cross examination, etc (arts 3i and 9)* <i>Formes spéciales demandées (déposition orale ou écrite, procès verbal sommaire ou intégral "cross examination", etc) (art. 3i et 9)</i>	WRITTEN INFORM OF RESULTS
14.	Request for notification of the time and place for the execution of the Request and identity and address of any person to be notify (Art. 7) <i>Demande de notification de la date et du lieu de l'exécution de la requête, de l'identité et de l'adresse de la ou de personnes à informer (art. 7)</i>	Demande d'assistance ou de par
15.	Request for attendance or participation of judicial personnel of the requesting authority at the execution of the Letter of Request (Art. 8)* <i>Demande d'assistance ou de participation des magistrats de l'autorité requérante à l'exécution de la commission rogatoire (art. 8)</i>	
16.	Specification of privilege or duty to refuse to give evidence under the law of the Requesting State (Art. 11 b)* <i>Specification des dispenses ou interdiction de déposer préveus par la loi de l'Etat requérant (at. 11b)</i>	

17.	The fees and costs incurred which are reimbursable of Article 14 or under Article 28 of the Convention will be borne by." <i>Les taxes et frais donnant lieu à remboursement en vertu de l'article 14, alinéa 2 de l'article 28 seront réglés par :</i>	
Date of request <i>Date de la requête</i>		29 JULY 2019
Signature and seal of the requesting authority <i>Signature et sceau de l'autorité requérante</i>		
*Permanent Bureau July 2017		



REPUBLICA DE COLOMBIA
Rama Judicial

JUZGADO DOCE DE FAMILIA DEL CIRCUITO DE CALI
Santiago de Cali, siete de febrero de dos mil veinte (2020)

Oficio N° 0082

Doctor

URGENTE

DANIEL RICARDO ESCOBAR CARDOZO

Coordinador Grupo Interno de Trabajo de Asuntos Consulares
Carrera 5 No. 9-03 Edificio Marco Fidel Suarez
Bogotá – DC

PROCESO: **CUSTODIA Y CUIDADO PERSONAL**
DEMANDANTE: PAOLA XIMENA MUÑOZ MARTINEZ
DEMANDADO: DIEGO ALEJANDRO CALLE MADRID
ADOLESCENTE: ALEJANDRO CALLE MUÑOZ
RADICACION: 7600131100122018-00122-00

REF.: **CEAJ27970/2019**

Se le informa que mediante auto No. 145 del 06 de febrero del año en curso, el Despacho dispuso la remisión de documentos debidamente traducidos al idioma inglés, para ser enviados a la Corte del Estado de La Florida, Estados Unidos, con el propósito de realizar VALORACION PSICOLOGICA al demandando DIEGO ALEJANDRO CALLE MADRID y a su hijo adolescente ALEJANDRO CALLE MUÑOZ.

Se anexan 121 folios en idioma inglés junto con su respectiva traducción en español (121 folios), la que fue aportada por el traductor, a fin de facilitar la labor encomendada, pero que para todos los efectos, deben tenerse en cuenta los folios en idioma inglés. El resultado de la valoración se requiere con CARÁCTER URGENTE a fin de pronunciarse de fondo en presente asunto. Sírvasse proceder de conformidad.

Atentamente,

MARITZA RICO SANDOVAL
Secretaria

Dirección: Calle 12 No. 5-75 – Centro Comercial Plaza Caicedo, Cali – Valle del Cauca
Teléfono 8312717

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Julio Cesar Torres Bastidas
Abogado

HONORABLE JUDGE
FAMILY JUDGE OF ORALITY SANTIAGO DE CALI (DELIVERY OFFICE)
AT YOUR OFFICE

Subject: DEMAND FOR CUSTODY AND PERSONAL CARE
Applicant: PAOLA XIMENA MUÑOZ MARTINEZ
Respondent: DIEGO ALEJANDRO CALLE MADRID
Minor: ALEJANDRO CALLE MUÑOZ

JULIO CESAR TORRES BASTIDAS, of legal age and neighbour of Cali (Valle), identified with citizenship card No. 16.626.235 issued in Cali, lawyer carrying the Professional Card No. 34,183 of the Superior Council of the Judiciary, with professional domicile in Carrera 4 N° 11 -45 office 611, Banco de Bogotá Building Plaza de Caicedo, Cali (Valle). Telephone 880 82 03, 881 77 52 and 314 672 13 89. E-mail: jecetoba2000@yahoo.com.

Acting under power conferred by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, of legal age and neighbour of Cali, identified with CC N° 66.918.862, domiciled and resident in 44 BN street 10 -24 Apto 201 of EL TRONCAL neighbourhood, by phone: 313 7073030, email address: ecodisenomunoz@gmail.com, mother of the younger ALEJANDRO CALLE MUÑOZ, with all due respect I appear before you honorable Judge, in order to file a DEMAND FOR CUSTODY AND PERSONAL CARE, against the father of the said minor, Mr. DIEGO ALEJANDRO CALLE MADRID, of age and neighbour of Cali, identified with citizenship card No. 16.497.534, with address and residence in AVENIDA 10 NORTE N° 21 - 06 APT 402 BARRIO SANTA MONICA RESIDENCIAL, telephone: 315-5079228, electronic address: diegocalle2015@gmail.com.

I support the demand on the following FACTS:

1. The younger ALEJANDRO CALLE MUÑOZ, on February 16th 2017, was delivered in provisional custody to his father, Mr. DIEGO ALEJANDRO CALLE MADRID, through the Family Advocate of the Colombian Institute for Family Welfare (ICBF) - NORTHEAST ZONE CENTER.



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2. The administrative procedure for the reestablishment of the abovementioned younger rights, was referred to the TERRON COLORADO Family Police Station, which lost competition to know about it, when the child's father decides unilaterally and arbitrarily exercising custody of the younger ALEJANDRO CALLE MUÑOZ, without the consent of his mother, he proceeds to move to live in the Municipality of Yumbo.
3. The child's father and progenitor, despite having provisional custody, has acted arbitrarily violating the child rights to have a family and not be separated from it, because he took him out of the school where he studied in the city of CALI and took him out of his family environment where he shared with his mother, for this reason, it was requested to the FIRST FAMILY JUDGE OF THE CITY OF CALI where the process of divorce of the demandant and Mr. DIEGO ALEJANDRO CALLE MADRID is filed, with filing No. 2017 - 082, order the Yumbo Family Police Station to restore the rights of the minor ALEJANDRO CALLE MUÑOZ.
4. This is how, being 4:40 p.m. on August 16th, 2017, Mr. HECTOR FABIO DOMINGUEZ MARMOLEJO, First Family Commissioner of Yumbo, approved a conciliatory agreement between Mr. DIEGO ALEJANDRO CALLE MADRID and Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, as for the visits of the minor with his mother, the father being committed to facilitate the child's approach with the mother.
5. Mr. DIEGO ALEJANDRO CALLE MADRID has failed to comply with the agreement regarding the visits of the child to his mother, currently he is held incommunicado with her, despite what was agreed in the conciliation made before Mr. HECTOR FABIO DOMINGUEZ MARMOLEJO, First Commissioner of Family of Yumbo, though he doesn't even answer the phone to inform Mrs. PAOLA XIMENA MUÑOZ MARTINEZ how her youngest son is.
6. Mrs. PAOLA XIMENA MUÑOZ MARTINEZ unknowledge the environment in which her youngest son ALEJANDRO CALLE MUÑOZ does reside, does not even know where he lives, since Mr. DIEGO ALEJANDRO CALLE MADRID, father of the child, the place of residence he cites for all judicial proceedings, where citations are sent to him, is where his brother resides in AVENIDA 10 NORTE N° 21 - 08 APT 402 NEIGHBORHOOD SANT MÓNICA RESIDENTIAL.



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7. Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, has been claiming on Mr. DIEGO ALEJANDRO CALLE MADRID, to turn her youngest son back, but he selfishly has refused to do so, regardless of the conditions in which the child is living in, because he lives as he has said, in the abovementioned conciliation procedure, in a room in the Municipality of Yumbo, after the child had his own room, in the house where he lived with his mother, my principal.
8. Mr. DIEGO ALEJANDRO CALLE MADRID, because of the work he has as a driver, cannot be aware of the minor ALEJANDRO and provide him the care that he demands in the pre-adolescence, leaving the child under the care of third parties.
9. Mrs. PAOLA XIMENA MUÑOZ MARTINEZ is an honorable person, respectful, of good customs, fulfilling her duties and is in a position to assume custody and personal care of her younger child.
10. Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, prior to this demand, cited Mr. DIEGO ALEJANDRO CALLE MADRID, to a conciliation before the Attorney General's Office 8 for family matters in the city of Cali, which was declared unsuccessful.

DEMAND:

In accordance with the provisions of the Law 45 of 1936, the Law 75 of 1968, the Decree 2820 of 1974 and articles 253 and 254 of the Civil Code, Article 23 of the Children and Adolescents Code and the procedure established in Title II, Chapter I Articles 390, 391 and 392 of the Law 1564 of 2013 (General Code of Process), with summons and hearing of the defendant, Mr. DIEGO ALEJANDRO CALLE MADRID of legal age and neighbour of Cali, identified with citizenship card No. 16.497.534, who will be heard and will act in the present process as a defendant, I request to the honorable JUDGE to serve by decree by means of the final judgment that makes transit to *res judicata*, the following:

STATEMENTS

1. That the rights of custody and personal care that his father Mr DIEGO ALEJANDRO CALLE MADRID exercises over the minor, ALEJANDRO CALLE MUÑOZ, be permanently suspended.



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2. That as a consequence of the previous decision, the custody, possession and personal care of the minor ALEJANDRO CALLE MUÑOZ, be granted only in the mother's head, Mrs. PAOLA XIMENA MUÑOZ MARTINEZ.
3. That it be served to decree in favour of Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, the provisional deposit of her youngest son ALEJANDRO CALLE MUÑOZ, once the socio-family study is carried out by the social worker office.
4. The cause invoked is contemplated in articles 253 and 254 of the Civil Code.
5. That a monthly food quota be set, which must be provided by Mr. DIEGO ALEJANDRO CALLE MADRID, to Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, to cover the expenses of raising and supporting the minor ALEJANDRO CALLE MUÑOZ.
6. That the visits of Mr. DIEGO ALEJANDRO CALLE MADRID, to the minor ALEJANDRO CALLE MUÑOZ are regulated.
7. That Mr. DIEGO ALEJANDRO CALLE MADRID be ordered by Costas and Agencies to be entitled, in case he opposes the claims Que se condene en Costas y Agencias en derecho al señor DIEGO ALEJANDRO CALLE MADRID, en caso de que se oponga a las pretensiones.

FUNDAMENTALS OF LAW:

The present claim is based on the Law 45 of 1936, the Law 75 of 1968, Decree 2820 of 1974, Decree 206 and 772 of 1975 and Articles 253 and 254 of the Civil Code, Article 23 of the Children and Adolescents Code and the procedure established in Title II, Chapter I Articles 390, 391 and 392 of Law 1564 of 2013 (General Code of the Process)

PROCEDURES

The process that must be followed is the verbal summary established in Title II, Chapter I articles 390, 391 and 392 of Law 1564 of 2013 (General Code of Process)

COMPETENCE



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Because of the nature and neighborhood of the minor, it is you Honorable Judge competent to learn about this process.

EVIDENCE:

DOCUMENTARY EVIDENCE: I request that the following be considered as documentary evidence, which I now relate:

1. Civil Registry of Birth of the minor ALEJANDRO CALLE MUÑOZ.
2. Copy of the Diligence of Restoration of the rights of the minor, by virtue of which, the ICBF defender, gives the minor in provisional custody to the father.
3. Copy of Resolution 009 - 2016, of August 16, 2017, issued by the Yumbo Family Commissioner, in the process of Restoring the rights of the child, by which it approves conciliatory agreement.
4. Copy of Mrs. PAOLA XIMENA MUÑOZ MARTINEZ and Mr. DIEGO ALEJANDRO CALLE MADRID's Divorce sentence.
5. Copy of the legal minute of the non conciliatory agreement issued by the Family Procurator 8 of Cali.
6. CONSTANCE of the non conciliatory agreement issued by the Family Procurator 8 of Cali.
7. Legal power granted.

SPECIAL REQUEST:

1. APPLICATION FOR SOCIO-FAMILY STUDY. Please, honorable Mrs. Judge, order the social worker of the office, carry out a socio-family study, in order to determine the conditions in which the child is currently living with his father, the conditions and the place where he resides. To carry out by the same reason the visit to the mother's home, where the child previously lived, to determine by the social worker of the office, what was the environment and the conditions in which the minor ALEJANDRO CALLE MUÑOZ was living.
2. REQUEST FOR A PSYCHOLOGICAL OPINION ON THE FATHER'S, MOTHER'S AND MINOR'S MENTAL HEALTH. Please, HONORABLE Mrs. Judge, order to the psychology department of either the Colombian Institute of Family Welfare (ICBF) or the Institute of Legal Medicine and Forensic Sciences, the psychological evaluation of the mental health status of the father, mother and child, this request is based on the fact of a parental



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alienation suffered by the minor, which denotes a rejection attitude before his mother induced by the father and without any justification.

TESTIMONIAL. I request honorable Mrs. Judge, to set the date and time for the people who are next related, of legal age and of this neighborhood, to come to your Office and under the gravity of the Oath, answer the questions that about the facts of the demand or on the questioning that the party will formulate in due course and for the benefit of the rights of the minor ALEJANDRO CALLE MUÑOZ.

- a. LUZ MARINA MEDINA MELO, citizenship card N° 31.932.531, with legal residence in Calle 44 B N° 10 - 14 BARRIO EL TRONCAL, in the city of Cali.
- b. LUCY ANGEL CALLE OREJUELA, citizenship card N° 66.822.360, with legal residence on Calle 44 B N° 10 - 14 BARRIO EL TRONCAL, in the city of CALI.
- c. LADY JOHANA RENGIFO MEDINA, citizenship card N° 67.033.993, with legal residence on Calle 44 B N° 8 - 76 piso 3° BARRIO EL TRONCAL, in the city of CALI.

In compliance with the provisions of article 61 of the Civil Code, so that Mrs. JUDGE might serve to quote and hear the closest relatives of the minor:

BY THE MATERNAL WAY:

Please quote Mr. LUIS ALFREDO MARTINEZ CHICAIZA, maternal great-grandfather, with citizenship card N° 2.432.914, with address at Calle 16 A N° 17 B - 22 BARRIO BELALCAZAR, of the city of CALI, who is in relation to the minor ALEJANDRO CALLE MUÑOZ, in THIRD degree of consanguinity direct or straight line.

ANNEXES:

Copies of this lawsuit and the documents provided as evidence, for the purposes of LAW TRANSFER, both in physical and magnetic copy CD.

NOTIFICATIONS:

TO THE DEMANDED, Mr. DIEGO ALEJANDRO CALLE MADRID of legal age and neighbour of Cali, identified with citizenship card N° 16.497.534, with domicile and residence in the AVENIDA 10° NORTE N° 21 - 06 APT 402 SANTA MÓNICA



Julio Cesar Torres Bastidas
Abogado

RESIDENTIAL NEIGHBORHOOD. PHONE: 315-5079228, email address:
diegocalle2015@gmail.com.

TO THE CLAIMANT: Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, of legal age and neighbour of Cali, identified with citizenship card N° 66.918.862, domiciled and resident at 44 BN Street 10 - 24 Apto 201 of EL TRONCAL neighborhood, with telephone: 313-7073030, email address: ecodisenomunoz@gmail.com.

TO THE WITNESSES:

- a. LUZ MARINA MEDINA MELO, with citizenship card N°31.932.532, domiciled in Calle 44 B N° 10 - 14 BARRIO EL TRONCAL, of the city of Cali.
- b. LUCY ANGEL CALLE OREGUELA, with citizenship card N°66.822.380, domiciled in Calle 44 B N° 10 - 14, BARRIO EL TRONCAL, of the city of Cali.
- c. LADY JOHANA RENGIFO MEDINA, with citizenship card N° 67.033.993, domiciled in Calle 44 B N° 8 - 76 piso 3° BARRIO EL TRONCAL, of the city of Cali.
- d. LUIS ALFREDO MARTINEZ CHICAIZA, BISABUELO MATERNO, with citizenship N° 2.432.914, domiciled in Calle 16 A N° 17B - 22 BARRIO BELALCAZAR, of the city of Cali.

To the undersigned APODERADO, in Carrera 4° N° 11 - 45, office 611, Edificio Banco de Bogotá PLAZA DE CAICEDO, Cali (VALLE)-Telephones 880-82-03, 881-77-52 and 314-6721389. E-mail: jucetoba2000@yahoo.com.

Atentamente

JULIO CESAR TORRES BASTIDAS
T.P. No 34.183 del C.S.J.
CC No 16.626.235 de Cali.



**EXTRAJUDICIAL CONCILIATION
JUDICIAL PROCURADURIA 8 FAMILY II**

Filing No.: 039 - 18
Summoner: PAOLA XIMENA MUÑOZ MARTINEZ
Convened: DIEGO ALEJANDRO CALLE MADRID
Subject: CUSTODY, VISITS AND FOODS for the benefit of Alejandro Calle Muñoz

Place and date: Cali, Tuesday, March the 20th 2018

The undersigned Judicial Procurator 8 of Family II, in use of the faculties conferred by Law 640 of 2001, in matters of conciliation,

LEAVES A CONSTANCY

On March 1, 2018, Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, requested the holding of an extrajudicial conciliation hearing with citation to Mr. DIEGO ALEJANDRO CALLE MADRID, with the purpose of discussing the custody, food and visits for the benefit of Alejandro Calle Muñoz.

Admitted the request, on March 20, 2018 was set the date for the realization of the hearing, at 3:00 PM, at the Family Procuraduría 8, Calle 11 N° 5 - 54, Bancolombia Building, office 400, city of Santiago de Cali.

At the day and time indicated, the undersigned Family Eighth Judicial Procurator II, in use of his faculties conferred by Law 640 of 2001, he declared the diligence open. To the same, the convener Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, identified with citizenship card No. 66,918,862 of Cali, was present, who was accompanied by her judicial attorney Dr. JULIO CESAR TORRES BASTIDAS, identified with CC No. 16,626,235, with professional card No. 34183, who is recognized as an adjective person to act; likewise, the summoned Mr. DIEGO ALEJANDRO CALLE MADRID appeared, identified with citizenship card No. 16,497,534, accompanied by his judicial agent Dr. AGOSTO CAMPAÑA RIVAS, identified with CC No. 82,360,955, with professional card No. 194036 of the Superior Council of Judicatory, who is recognized as an adjective person to act.



After a prudential term of dialogue without the parties reaching an agreement regarding the CUSTODY, FOOD FEE SETTING and VISITS for the benefit of Alejandro Calle Muñoz, there was a place to declare the IMPOSSIBILITY OF CONCILIATION on this occasion.

Taking into account the foregoing, this CONSTANCE is issued for the relevant purposes, in accordance with the provisions of article 2 of Law 640 of 2001.

The procurator

GABRIEL ESTEBAN RODRIGUEZ ESCANDÓN
PROCURADOR 8° JUDICIAL DE INFANCIA ADOLESCENCIA Y FAMILIA DE
CALI



**EXTRAJUDICIAL CONCILIATION
JUDICIAL PROCURADURIA 8 FAMILY II**

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Then, they are guided on the process of the present proceedings and the objectives and scope of it are explained and the benefits offered by the Conciliation for prevailing the will of the interested parties. The parties are urged to present formulas that allow for an agreement and each of the interested party is granted the floor. After a prudential term, the parties manage to reach the following:

AGREEMENT

FIRST - Treatment rules and Parenting guidelines: The parties attending the conciliation agree that they will communicate in terms of respect without offenses or aggressions, avoiding making claims to situations already overcome. Likewise, they undertake to make decisions related to the guidelines of child rearing, without involving other relatives.

The parties attending the conciliation agree that within eight business days following the signing of this act, the parents will attend to the EPS (health entity), in order to request psychological care for the minor Alejandro Calle Muñoz and his family group and to actively participate in the improvement of family dynamics and communication.

SECOND - CUSTODY: There was no agreement between the parties.

THIRD - FOOD: There was no agreement between the parties.

FOURTH - VISITS: There was no agreement between the parties.

VERIFICATION OF THE AGREEMENT LEGALITY

The office once the agreement with respect to the Treatment Rules and Parenting Guidelines has been analyzed, verify its legality.

In accordance with the provisions of paragraph 1 of article 1 of Law 640 of 2001 an authentic copy of the conciliation act is given to each of the parties as a proof that it is the first copy and lends executive merit.

Once discussed on the subject, CUSTODY, VISITS and FOOD for the benefit of Alejandro Calle Muñoz, THE PARTIES DID NOT ARRIVE TO ANY AGREEMENT, which led to the declaration of the IMPOSSIBILITY OF CONCILIATION, leaving at



the will of the parties to go to the Ordinary Jurisdiction, so that this is the one that regulates the conciliation matters.

It is ordered to issue the respective certificate in accordance with the provisions of Article 2 of Law 640 of 2001.

Being none other the object of this hearing, it is read and approved by those who intervened in it.

Start time of the hearing: 3:00 pm.

End time of the hearing: 4:18 pm

Conciliador,

GABRIEL ESTEBAN RODRIGUEZ ESCANDÓN

Procurador 8° Judicial de la Infancia, la Adolescencia y la Familia de Cali

La convocante,

PAOLA XIMENA MUÑOZ MARTINEZ
C.C No. 66,918,862



Apoderado (a) de la Convocante,

JULIO CESAR TORRES BASTIDAS
C.C N° 16,626,235
T.P N° 34183 del C. S. de la J

La parte convocada,

DIEGO ALEJANDRO CALLE MADRID
C.C N° 16,497,534

Apoderado (a) Parte Convocada

AGOSTO CAMPANA RIVAS
C.C N° 16,626,235
T.P N° 194036 del C.S. de la J



**FAMILY DEFENDER SUPPORT
OPENING OF A TRIAL N° 264
RIGHTS RESTORATION PROCESS
NNA: ALEJANDRO CALLE MUÑOZ
H.A.N.N. - 1105364982
SIM 1760807191**

WHEREBY THE OPENING OF THE ADMINISTRATIVE PROCESS OF
RESTORATION OF RIGHTS IS MADE.
SOME TESTING IS ORDERED AND
MEASURE RESTORATION RIGHTS ARE PROVIDED

Santiago de Cali VALLE, at sixteen (16) days of the month of February two thousand seventeen (2017) the Colombian Institute for Family Welfare (ICBF) Family Advocate, in use of his legal faculties and especially those conferred by articles 81, 82, 86, 99 and 100 of the Law 1098 of 2006, Childhood and Adolescence Code and in accordance with the provisions of articles 17 and 18, the rights to PERSONAL INTEGRITY and a HEALTHY ENVIRONMENT - of the same Law and, in accordance with the National and International Norms regarding CHILDHOOD AND ADOLESCENCE RIGHTS

WHEREAS

That Mr DIEGO ALEJANDRO CALLE MADRID and Mrs PAOLA XIMENA MUÑOZ MARTINEZ, identified with citizenship card No. 16,497,534 and 66,918,862 are presented together with the 11-year-old NNA ALEJANDRO CALLE MUÑOZ who, according to a request registered in the SIM: "... the complainant communicates informing the case of ALEJANDRO CALLE MUÑOZ, 11 years old, identified with I.C. 1105364982, refers to being a victim of physical and psychological abuse by their parents; Mr. Diejo Alejandro Calle and Mrs. Paola Ximena Muñoz Martinez, who are divorcing at the moment. He says that on Monday, January 30, the parent hits the child. In addition that insults and shouts have been heard from the mother apparently towards the father in the presence of Alejandro with words that may be harmful to him. This situation happens at 44B Street N° 10 - 24, El Troncal neighborhood, in the city of Cali - Valle. Therefore, prompt intervention by the Colombian Institute ICBF is requested..."

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An interview is conducted with the NNA, ALEJANDRO CALLE MUÑOZ who refers to, "... that he is studying in sixth grade at Villacolombia school, that he has been living with his father for two weeks, that he treats him well, that the relationship with his mother is not good since she mistreats him she has hit him physically, and scolds him strongly with insults, she says stupid, stuck, etc, that the relationship became worse since he picked up his mother cellphone to play and observed a sexual conversation via chat with a guy, he told his dad what he saw, when she found out treated him very badly, he says he doesn't believe his mother, that she now promises gifts for him to return to live with her but he tells her that he doesn't care about that but only cares about love, that he prefers and wants to live with the father..."

In the same way, an affidavit is taken from the parents who explain their views and considerations regarding the raising of the child.

For its part, the mother expresses: "...certainly there has been physical and psychological abuse by the father. He has induced him to hate me to such a point physically, I discipline him and I correct him I scold him because sometimes he tells a lie I say not to do that, he is lazy I tell him to do something. Asked: For how long have you not lived with your child? Answered: a week ago, the father took him to live together with the brother who is addicted to the drugs. Asked: who has exercised personal care and the upbringing of his son, who watches his livelihood? Answered: to raise him both to a greater and lesser degree, I have been taking care of his feeding. His father brings what he can my mother helps us from abroad. Asked: what do you have to say about the alleged physical and verbal abuse that you and your current husband exerts against children? Answered: it is a lie, the father has certainly assaulted him physically the neighbors have heard they can witness that, his father is a child who suffered rape since childhood, I do not think he is a person suitable for the care of the child. Asked: who do you think the child is better with? Answered: I consider that with me, I will not deny him the possibility of seeing his father ..."

A statement is taken to the father who expresses: "... What has been the problem that has arisen between you? Answered: infidelity on the part of the mother, we had been married for 20 years, when the boy was seven years old it was the first time she apologized, we continue to live together all these years I thought that the situation would not be repeated. Asked: how was the treatment you have given your child and the one the mother has given the child? Answered: until the age of seven, the child received love and good treatment from his parents at this age I began to notice a lack of respect between them. When she was upset, she called him silly, stupid, idiot, she did it very frequently, each action has a reaction. The child was

getting away from his mother because of her bad treatment, it was considered a loss of respect values mother to child. This was happening for a long time I talked to both of them and I told her that we had to improve our relationship at home until three months ago I told him there was no arrangement we had to divide blankets and Alejandro discovered some very dishonorable scenes on the part of his progenitor whose characteristic is evidenced by the bad example through her infidelity, and it is already a total deterioration, he no longer respects her, they fight for the cell phone, they can't live together, they fight each other. Asked: who has exercised the personal care and upbringing of children and who watches over the support of them? Answered: at home I was the one who cooked the most, bought, prepared and served, almost 80% of my earnings my work. I would do the buying at market, I used to care that they always had well-being, comfort in the house, his uniforms, I was the one that took him to study in a higher percentage that was me. Asked: currently where do you live with your child and who takes care of the child? Answered: we are living near a brother's house, a friend of my mother rented me a room, she helps me with the cares so that the child is not alone, they watch TV together and go out to the park together while I'm not there, the boy did not have classes for three days today we had to come, I bought him the supplies but he is studying in Villa Colombia, he is affiliated with the new EPS. Asked: where do you consider it is the best environment for the child and with whom he wants to live with? Answered: with me. My son feels well with me. He has manifested he's good food, protection, security, support, love, there is no violence in the house, it is not easy but I can do it even if homeless and I can assume the child's care. I have support from my total family network in Medellin, Cali, Buenaventura, USA and here in Cali."

The relevant assessment will be carried out by the psychosocial group the social worker and psychology, who accordingly to their intervention verify the rights of the NNA:

Social Work Concept: "... Mr. Diego Alejandro Calle and Mrs. Paola Muñoz Martinez, who are divorcing at the moment. She relates that on Monday, January 30, the mother hits the child. Besides, insults and shouts of the mother have apparently been heard towards the father in the presence of Alejandro with words that may be harmful to him. This situation happens at Calle 44B N° 10 -24, El Troncal neighborhood, in the city of Cali, Valle. For the above reason, a prompt intervention of the Colombian Institute for Family Welfare – ICBF is required.

Alejandro Calle Muñoz, age 11, is part of a nuclear family, lives with his father in a room who generates the income, had a marriage relationship of twenty years and

last four years do not live as a couple but cohabit the same house. He has been separated 4 years ago but they live in the same place without having a relationship, mother occupation public accountant works in the SENA, she states that she does not physically provoke that the child has problems he invents things, occupation of the father transportation transporting driver and messenger, dares of the minor has marital conflicts, it is not understood. The parents are who have taken care of the upbringing and personal care, he lives in a own house, he relates to paternal and maternal family. It is shown a child with emotional imbalance.

The relationship with the father and the child proved to be excellent, the father says that the relationship is disrespectful. The conflict is between the couple. She refers that the relationship between the son and her is positive she leaves until a month her cell phone and she doesn't know what her partner gets on it, states that the father manipulates him. The child is currently in 6th grade of secondary school at the Villa Colombia educational campus, he doesn't follow orders, he wasn't aggressive until a month.

Rights are verified and it is identified that the child has identity documents according to his age, civil registration and identity card, effective link to the social security system in health, link to the education system. It is oriented towards the need that the priority is to guarantee his fundamental rights. Therefore, it is suggested to place him in a paternal family environment and the history of care will be sent to the FAMILY COMMISSIONER..."

Therefore and taking into account the interventions carried out so far, it is established that the child does not have all his rights guaranteed in accordance with the provisions of Art. 52 Law 1098 of 2006, his personal integrity is found threatened, amen from the above is evident that this is a case of Domestic Violence (for alleged physical and verbal abuse) that must be treated by the TERRON COLORADO Family Police Station according to the place of residence of the minor. Article 83 of Law 1098 of 2006 and decree 4840 of 2007.

It is important to point out that regarding the sub-examine case, the State protection must be particularly special, based on the following postulates:

It is important to put attention on:

Domestic violence is one that takes place within the family, whether the aggressor shares or has shared the same address, that includes, among others, rape, physical, psychological and sexual abuse.

By strict legal mandate, domestic violence is an issue that Family Commissioners should know, attending to these instances firstly the mother, being precise to advance in the previous proceedings and refer immediately to the TERRON COLORADO Family Police Station (Art. 83 Law 1098 of 2006)

Based on the foregoing, this Family Support Defender, in order to establish the facts that constitute the alleged threat or violation of the rights of the above mentioned child and with the commitment to restore said rights and guarantee their effective exercise.

DISPOSE

1. Opening of Attention History filed with the NN - 1105364982, and be granted the probative value in its legal opportunity.
2. Verify the guarantee of the child ALEJANDRO CALLE MUÑOZ's rights and issue the respective concept of rights compliance status.
3. Quote the legal representatives, or to those responsible for the care of the child ALEJANDRO CALLE MUÑOZ to notify them personally of the opening of the rights restoration administrative process. It will be done by mail account: citaciónLNBSH@icbf.gov.co.
4. Conduct the investigation of the parents, legal representatives, family members or those persons on whom the child depends.
5. Inform the corresponding entities to obtain the referred documentation in case of not having it.
6. NNA ALEJANDRO CALLE MUÑOZ is interviewed by the Family Defender.
7. Adopt as a provisional restoration measure in favor of the child ALEJANDRO CALLE MUÑOZ the one enshrined in article 53 numeral 1, of the Code of Children and Adolescents, that is to say, the location in his family environment, with his father Mr. DIEGO ALEJANDRO CALLE MADRID, identified with citizenship card No. 16.497.534.
8. Run transfer to those people interested or involved in the request for them to pronounce and provide evidence that they wish to enforce.
9. Refer the present administrative procedure to the TERRON COLORADO FAMILY COMMISSIONER in order to continue knowing the same given that NNA has been placed in their family environment.
10. The other proceedings that the Family Defender considers necessary.



Proceso Gestión para el Restablecimiento de Derechos



NOTIFIQUESE y CUMPLASE

NOTIFIQUESE y CUMPLASE


KARENS JOHANNA LEUSSÓN CUESTA
DEFENSORA DE FAMILIA DE APOYO
CENTRO ZONAL NORORIENTAL



Alcaldía
de Yumbo

REPÚBLICA DE COLOMBIA
DEPARTAMENTO DEL VALLE DEL CAUCA – MUNICIPIO DE YUMBO
SECRETARY OF PEACE AND CITIZEN COEXISTENCE - FIRST FAMILY
COMMISSIONER

RESOLUTION: 009 – 2016

To the office of the Family Commissioner August sixteen (16) of two thousand seventeen (2017) being 04:40 pm, the hearing referred to in Article 100 and 101 of Law 1098 of 2006 is opened, whereby the First Family Commissioner of the Municipality of Yumbo sets up a hearing in order to deliver the corresponding resolution in accordance with the evidence and to decide what corresponds in law, within the administrative procedure on guarantees and restoration of the rights of the child ALEJANDRO CALLE MUÑOZ 12-year-old. To the present audience attended Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, who identified with a copy of a document in process issued by the Civil Status National Registry N° 66.918.62 elaborated in Cali, Valle and resident in Calle 44B # 10 - 24 apartment 401 Barrio El Troncal, telephone 313 7773030, as a mother and Mr. DIEGO ALEJANDRO CALLE MADRID, identified with citizenship card N°16,497,534 of Buenaventura, resident making clear that he does not provide his address in Yumbo, arguing that he has been threatened and communicates by phone and it is given the address Avenida 10ª Norte # 21 -06 Loma Linda building apartment 402 B / Sta MÓNICA, address of a brother who arrives on weekends, phone: 315 5079228.

Then the Office proceeds to grant the floor to the parties, in the first place to Mrs. PAOLA XIMENA MUÑOZ MARTINEZ: I declare that the father present here has not allowed me see my son for seven months arguing threats. I live in Cali in the same residence for more than 12 years, Mr. Diego arbitrarily took my son where his brother allegedly for a visit to his brother at the address referred to above but the following day after he had not arrived I called him and the next day at the police station he argued that I had thrown them out of the house, that I had taken my son away of the house according to a document shown by the police station in Villa Colombia the father here filed a lawsuit three days before saying that I had thrown my son out of the house, the police station of Villa Colombia shows me the document where Mr. Diego argues that I had thrown them out of the house which does not match with an audio on my cell phone where he argues that he is visiting his brother, I make the police commissioner at the station to listen this audio where it proves that I am telling the truth before such an act where the father is already discovered, he begins to change from one police station to another police station throughout Cali to delay the process because the case has been handled by the police station where the boy



lived, then he took advantage of the flaws of this rule to change residence to the Municipality of Yumbo, what I do not want is to continue throughout the country with this case and see my son he has constitutional rights such as having a mother and a father and being protected I am a professional person like Mr. Diego, independently that in between us there is no emotional relationship since we are in the process of divorce, my son must feel fine I also request that my son be interviewed by an EPS psychologist to whom I am entitled as a worker since this has not been done and I feel that its has affected him a lot. I want compliance with these appointments through this police station I request that they collaborate and begin to regulate visits as soon as possible.

Mr. DIEGO ALEJANDRO CALLE MADRID is given the floor, who said: the mother (progenitor) lies, contributed with his son's phone number and is 300 85661515 always active and that the visits are jointly agreed by ALEJANDRO CALLE MUÑOZ and the Yumbo Family police station.

By virtue of the conciliatory spirit that assists the parties, the following agreement was reached.

FIRST: as for the custody of the child ALEJANDRO CALLE MUÑOZ, will continue under the personal care of his father (progenitor) on a provisional basis.

SECOND: Regarding visits, the following was agreed that the child will share with his mother (progenitor) on weekends beginning Saturday, August 19 of this year at 8:00 a.m. flat, the father will deliver him to Mrs. Paola, mother of the child at the Cali transportation terminal where he will be returned on Monday for being a holiday Monday delivering that day at 5:00 pm o'clock to his father at the Cali transportation terminal, likewise, the child will share half of his Christmas holidays, school days and during Holy Week with his mother.

THIRD: Regarding the food quota, the following agreement was reached: that Mrs. PAOLA XIMENA MUÑOZ undertakes to contribute a fee in kind equivalent to the minimum sum of \$ 75,000 pesos and also that she brings two changes of costumes including shoes, underwear, socks, pants and shirts every six months and that contributes 50% of expenses on school supplies and uniforms.

Mr. DIEGO ALEJANDRO CALLE MADRID: is committed to providing his child with housing, medical service, 50% of the supplies and uniforms.

By virtue of the fact that the parties have reached an agreement, the undersigned first family commissioner of the Municipality of Yumbo

RESOLVES



Alcaldía
de Yumbo

FIRST: Approve the agreement reached by the parties at this hearing.

SECOND: To restore the rights of the child ALEJANDRO CALLE MUÑOZ and therefore the Family first Judge of orality will be officiated, informing him of the restoration of the rights of the child.

THIRD: This resolution lends executive merit, in accordance with the rules of the General Code Process.

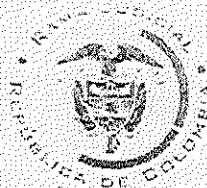

HÉCTOR FABIO DOMÍNGUEZ MARMOLEJO
Comisario primero de familia


DIEGO ALEJANDRO CALLE
16997538


XIMENA MUÑOZ MARTÍNEZ
16918862

REPÚBLICA DE COLOMBIA

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**JUZGADO PRIMERO DE FAMILIA DE ORALIDAD
SANTIAGO DE CALI**

Santiago de Cali, 2nd of October 2017

PROCESS: DIVORCE

CLAIMANT: PAOLA XIMENA MUÑOZ MARTINEZ

DEMANDED: DIEGO ALEJANDRO CALLE MADRID

FILING: 76001 - 3110 - 001 - 2017 - 00082 - 00

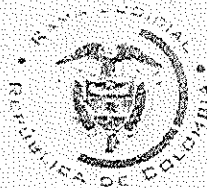
PUBLIC HEARING No. 175

STARTED: 2:30 a.m.

INTERVENING

Judge:	MARIA MEJIA GRISALES
Claimant:	PAOLA XIMENA MUÑOZ MARTINEZ
Claimant Representative:	JULIO CÉSAR TORRES BASTIDAS
Demanded:	DIEGO ALEJANDRO CALLE MADRID
Demanded Respondent:	AGOSTO CAMPAÑA RIVAS

The claimant was present at the event, Paola Ximena Muñoz Martinez, identified with the citizenship card N°. 66.918.862, her judicial representative, Dr. Julio César Torres Bastidas, with citizenship card N°16.626.235 and professional card 34183 of the Superior Council of the Judiciary; the demanded Diego Alejandro Calle Madrid, identified with citizenship card N°16.497.534 and his judicial representative, Dr. Agosto Campaña Rivas, identified with citizenship card N° 82.360.534 and professional card 194036 of the Superior Council of the Judiciary.



**JUZGADO PRIMERO DE FAMILIA DE ORALIDAD
SANTIAGO DE CALI**

In the act the conciliation was carried out, whose relevant part is as follows:

JUDGMENT No. 222

In merit of the foregoing, THE FIRST FAMILY COURT OF ORALITY OF CALI, VALLE DEL CAUCA, MANAGING JUSTICE ON BEHALF OF THE REPUBLIC OF COLOMBIA AND BY AUTHORITY OF LAW,

DECISION

FIRST.- Recognize the consent of Mrs. PAOLA XIMENA MUÑOZ MARTINEZ and Mr. DIEGO ALEJANDRO CALLE MADRID, for the marriage divorce, celebrated before the Notary Eighth of the Cali Circuit, on November 27, 1996, on the grounds of mutual agreement.

SECOND.- As a consequence of the previous decree, the conjugal partnership is dissolved; which will be settled within one (1) month before the Notary Eighth of the Cali Circuit.

THIRD.- Each one will support himself with his own resources, there will be no food between the spouses.

FOURTH.- Order the registration of this decision in the Civil Registry of Married couples before the Notary Eighth of the Cali Circuit, in the serial code 2371092 and in the Registry of Several at the same agency, as well as in his Civil Birth Registry of each one of the married ones. Without costs.

FIFTH.- The regulation regarding rights and duties in front of the adolescent ALEJANDRO CALLE MUÑOZ, is as follows:

- a. Parental rights will continue to be exercised by both parents.
- b. Custody will continue to be exercised by both parents.
- c. Tenure and personal care will be the responsibility of the parents.
- d. For effectiveness and guarantee of adolescent rights, parents are obliged.



**JUZGADO PRIMERO DE FAMILIA DE ORALIDAD
SANTIAGO DE CALI**

- To separate the child from the conflict between the two.
 - Eradicate any behavior that makes it impossible for the child to share and enjoy the company of the other parent and his/her family.
 - Facilitate communication between parents and their relatives, by the most appropriate way, using the means of communication at their fingertips and communicating to the other any change of address or telephone.
- e. Mrs. PAOLA XIMENA MUÑOZ MARTINEZ will provide her son with the sum of \$ 75,000 = monthly, which will be delivered in the Bancolombia savings account N ° 80740271061 at his father name, beginning the present November, between 1 and 5 of each month.
- f. It will cover 50% of school supplies and uniforms, previous agreement between both regarding the expense.
- g. Two complete changes of clothes worth \$ 300,000 = each, which will be supplied one on the birthday and the other from December 10 to 15, just for this year as the birthday has already passed, it will be delivered from October 22 to 30, for this the teenager will be taken to choose it.
- h. The quota will have an annual increase from January 2018, by the percentage of minimum wage decreed by the National Government.
- i. The visits regime will continue by mutual agreement, without restriction.

The above conventions do not make transit to res judicata and lend executive merit.

SIXTH.- Issue copies of the minutes and the hearing, for the purposes of those interested and at their expense, in accordance with article 5 of the PSSAA agreement 08 - 4718 of the Superior Council of the Judiciary, the same that becomes an integral part of this act.

SEVENTH.- The precautionary measures will remain in force for two (2) months, in the terms of subsection 2 of numeral 3 of article 598 of the General Code of the Process.

To the execution of this providence, proceed to file the case files, previous deanotation of your registry.



JUZGADO PRIMERO DE FAMILIA DE ORALIDAD
SANTIAGO DE CALI

This decision is notified on stage.

The use of the word is granted to the attorneys, so as to the clarification or addition of the decision, without having raised any, without the possibility of filing any appeal because of the way the trial has ended.

The act ends at 5:01 p.m.

Jueza

MARY MEJIA GRISALES

Partes

PAOLA XIMENA MUÑOZ MARTINEZ

DIEGO ALEJANDRO CALLE MADRID

Apoderados

JULIO CESAR TORRES BASTIDAS

AGOSTO CAMPAÑA RIVAS

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REPUBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

SECRETARIAL RECORD. Cali, April 04, 2018. At the office of Honorable Mrs. Judge, the present matter to resolve on your admission.

Please provide.

MARITZA RICO SANDOVAL
Secretary

FAMILY COURT 12 OF CALI

AUTO INTERLOCUTORY N° 0664

Radicación N° 76 - 00 - 1 - 3 - 1 - 12- 2018 - 00122 - 00
Santiago de Cali, April fourth (04) two thousand and eighteen (2018)

1. Mrs. PAOLA XIMENA MUÑOZ MARTINEZ presents, through a judicial attorney, a lawsuit of CUSTODY AND PERSONAL CARE of her youngest son ALEJANDRO CALLE MUÑOZ against his father Mr. DIEGO ALEJANDRO CALLE MADRID.
2. When reviewing the demand it is observed that it suffers from the following defects:
 - 2.1. It must provide even summary evidence demonstrating compliance by the demandant in regards to the child's food, to be heard in the claim of CUSTODY and PERSONAL CARE and in the exercise of other rights. Art. 129 of the Children and Adolescents Code, final paragraph.
 - 2.2. The residence address is not indicated in the notification section and/or current address of the minor ALEJANDRO CALLE MUÑOZ (art. 28 and 82 of General Code of Process)
 - 2.3. In the corresponding section must be presented the paternal and maternal relatives to be heard and in the order established by article 61 of the civil code, indicating their kinship and in case of ignoring their location their citation must be indicated and requested also in accordance with the same standard.

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REPUBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

For the above, inadmissibility of the demand will be provided, in accordance with the provisions of article 90 of the General Code of Process.

In merit of the exposed the Family Court 12 of the Cali circuit, Valle del Cauca,

RESOLVES

FIRST: INADMITIATE the demand for CUSTODY AND PERSONAL CARE, presented by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, through a judicial attorney, on behalf of her youngest son ALEJANDRO CALLE MUÑOZ against his father Mr. DIEGO ALEJANDRO CALLE MADRID.

SECOND: GRANT a term of five (5) days so that it can be remedied under penalty of being rejected.

THIRD: RECOGNIZE Dr. JULIO CÉSAR TORRES BASTIDAS, as attorney for the demandant under the power granted.

FOURTH: NOTIFY this decision to the parties in accordance with the law.

NOTIFY AND ACOMPLISH

The Judge,

SANDRA JOHANA HENAO SERNA

SANDRA JOHANA HENAO SERNA

JUZGADO DOCE DE FAMILIA
CIRCUITO DE CALI

APR 2018



Julio Cesar Torres Bastidas
Abogado

HONORABLE JUDGE:

FAMILY JUDGE OF ORALITY SANTIAGO DE CALI
AT YOUR OFFICE

Subject: DEMAND RECTIFICATION FOR CUSTODY AND PERSONAL CARE

Applicant: PAOLA XIMENA MUÑOZ MARTINEZ

Respondent: DIEGO ALEJANDRO CALLE MADRID

Minor: ALEJANDRO CALLE MUÑOZ

Rad.: 2018 - 122

JULIO CESAR TORRES BASTIDAS, of legal age and neighbour of Cali (Valle), identified with citizenship card No. 16,626,235 issued in Cali, lawyer carrying the Professional Card No.34,183 of the Superior Council of the Judiciary, with professional domicile in Carrera 4 N ° 11 -45 office 611, Banco de Bogotá Building Plaza de Caicedo, Cali (Valle). Telephone 880 82 03, 881 77 52 and 314 672 13 89. E-mail: jecetoba2000@yahoo.com. Acting under power conferred by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, of legal age and neighbour of Cali, identified with CC N° 66.918.862, domiciled and resident in 44 BN street 10 - 24 Apto 201 of EL TRONCAL neighbourhood, by phone: 313 7073030, email address: ecodisenomunoz@gmail.com, mother of the younger ALEJANDRO CALLE MUÑOZ, with all due respect I stand before you honorable Mrs. Judge, in term and legal opportunity, to rectify the demand for CUSTODY AND PERSONAL CARE, against the father of the said minor, Mr. DIEGO ALEJANDRO CALLE MADRID, of age and neighbour of Cali, identified with citizenship card No. 16,497. 534, with address and residence in AVENIDA 10 NORTE N ° 21 - 06 APT 402 BARRIO SANTA MÓNICA RESIDENCIAL, telephone:315-5079228, electronic address: diegocalle2015@gmail.com, to what I proceed in the following way:

1. Attached with this writing to be assessed as evidence, receipts for payment of the food quota by the demandant, Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, whereupon I demonstrate the fulfillment of her food obligation towards her youngest son ALEJANDRO CALLE MUÑOZ, thus complying with the legal requirement of article 129 of the Childhood and Adolescence Code, final paragraph, in order to be heard in the claim of CUSTODY AND PERSONAL CARE and in the exercise of other rights, that I relate as follows:

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Julio Cesar Torres Bastidas
Abogado

- a. RECEIPT N°195385602, APRIL 05 of 2018 appropriation \$ 80.000= food quota, in the savings account No. 80740271061 of the minor's father Mr. DIEGO ALEJANDRO CALLE MADRID.
 - b. RECEIPT N°202702382, MARCH 20 of 2018 appropriation \$ 75.000= food quota, in the savings account No. 80740271061 of the minor's father Mr. DIEGO ALEJANDRO CALLE MADRID.
 - c. RECEIPT N°330573, FEBRUARY 20 of 2018 appropriation \$ 75.000= food quota, in the savings account No. 80740271061 of the minor's father Mr. DIEGO ALEJANDRO CALLE MADRID.
 - d. RECEIPT N°592789 JANUARY 20 of 2018 appropriation \$ 75.000= food quota, in the savings account No. 80740271061 of the minor's father Mr. DIEGO ALEJANDRO CALLE MADRID.
 - e. INVOICE N°7182 SHOES AND SOCKS purchase for the minor ALEJANDRO CALLE MUÑOZ, dated DECEMBER 08, 2017, by the amount of \$152.000=
 - f. INVOICE N°413.357 CLOTHING purchase for the minor ALEJANDRO CALLE MUÑOZ, dated DECEMBER 08, 2017, by the amount of \$199.870=.
 - g. INVOICE N°413.358 CLOTHING purchase for the minor ALEJANDRO CALLE MUÑOZ, dated DECEMBER 08, 2017, by the amount of \$63.370=.
 - h. MERCAMIO INVOICE N°972474 FOOD AND SUPPLIES purchase for the minor ALEJANDRO CALLE MUÑOZ, dated OCTOBER, 2017, for the sum of \$76.020=.
2. The place of living andr domicile of the minor ALEJANDRO CALLE MUÑOZ, together with his father, is at AVENIDA 10 NORTH N° 21 - 06 APT 402 SANTA MÓNICA RESIDENTIAL NEIGHBORHOOD, in the city of Cali, the foregoing, to comply with the provisions of article 28 and 82 of the General Code of Process.
3. In compliance with the provisions of article 61 of the Civil Code, I kindly request to Mrs. Judge, cite and make appear in court the closest relatives of the minor ALEJANDRO CALLE MUÑOZ, in order to be heard and in the established order of the abovementioned legal norm and that I relate as follows:

BY THE MOTHER's LINE: to the following family members:

MATERNAL GRANDPARENT: Mr. WALTER MUÑOZ MEJIA, MATERNAL GRANDFATHER, with identity card N° 14.444.309, with domicile in Carrera 24 N° 4-64 apt 201 of Cali city, who is in relation to the minor ALEJANDRO CALLE MUÑOZ, in SECOND degree of direct consanguinity or straight line.



Julio Cesar Torres Bastidas
Abogado

MATERNAL GRANDPARENT: Mrs. NELLY STELLA MARTINEZ. MATERNAL GRANDMOTHER, with identity card N°38.941.683, with address at Calle 16 A N° 17 B-22 BARRIO BELALCAZAR, in the city of Cali, who is in relation to the minor ALEJANDRO CALLE MUÑOZ, in SECOND degree of direct consanguinity or straight line.

MATERNAL GREAT-GRAND PARENT: Mr. LUIS ALFREDO MARTINEZ CHICAIZA. MATERNAL GREATGRANDFATHER, with identity card N° 2.432.914, with address at 16 A Street N° 17 B - 22 BARRIO BELALCAZAR in the city of Cali, who is in relation to the minor ALEJANDRO CALLE MUÑOZ, in THIRD degree of direct consanguinity or straight line.

MATERNAL UNCLE: Mr. VICTOR MUÑOZ CAMACHO. MATERNAL UNCLE, with identity card N°1.107.076.663, with domicile in Carrera 24 N°4 - 64 apto 301 BARRIO MIRAFLORES, of the city of Cali, who is in relation to the minor ALEJANDRO CALLE MUÑOZ, in THIRD degree of consanguinity collateral line.

MATERNAL AUNT: Mrs. LAURA MUÑOZ CAMACHO. MATERNAL AUNT, with IDENTITY CARD No. 1,107,100,227, with domicile in Carrera 24 N° 4 - 64 apt 301 BARRIO MIRAFLORES, of the city of Cali, who is in relation to the minor ALEJANDRO CALLE MUÑOZ, in THIRD degree of consanguinity collateral line.

BY THE FATHER'S LINE: to the following family members:

PATERNAL GRANDFATHER: ALVARO CALLE AGUDELO, who is in relation with the minor ALEJANDRO CALLE MUÑOZ, in SECOND grade of consanguinity direct or straight line, he lives in Buenaventura city, but his address is unknown, manifestation that I make under the gravity of the oath that I consider complied with the presentation of this writing.

MATERNAL GRANDMOTHER: EUGENIA MADRID, who is in relation to the minor ALEJANDRO CALLE MUÑOZ, in SECOND grade of consanguinity direct or straight line, she lives in USA but her address is unknown, manifestation that I make under the gravity of the oath that I consider borrowed with the presentation of this writing.

PATERNAL UNCLES: ANDRES CALLE MADRID, CARLOS CALLE MADRID y ALEXANDRA CALLE MADRID, who are in relation to the minor ALEJANDRO CALLE MUÑOZ, in THIRD grade of consanguinity collateral line, they may be cited

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Julio Cesar Torres Bastidas
Abogado

at AVENIDA 10ª NORTE N°21-06 APTO 402 BARRIO SANTA MÓNICA
RESIDENCIAL, in the city of Cali.

ANNEXES

1. The receipts for food quota payments to be taken as documentary evidence of compliance with the food obligation by the demandant PAOLA XIMENA MUÑOZ MARTINEZ.
2. Copies of this demand RECTIFICATION letter and all documents provided as evidence, for the purposes of law transfers and for court records.

Yours kindly,

JULIO CESAR TORRES
JULIO CESAR TORRES BASTIDAS

T.P. No 34 183 del C.S.J.
CC No 16.626.235 de Cali.

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

FAMILY COURT TWELVE OF CALI

INTERLOCUTORY APPEAL N° 0778

RAD. N° 76001 - 31 - 10 - 12- 2018 - 00122 - 00

Santiago de Cali, April sixteen (16) two thousand and eighteen (2018)

1. Lawsuit for CUSTODY and PERSONAL CARE has been filed by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ on behalf of her youngest son ALEJANDRO CALLE MUÑOZ, who acted through a judicial agent, against the father of the minor, Mr. DIEGO ALEJANDRO CALLE MADRID.
2. Taking into account the statement given by the acting agent, regarding the paternal grandparents Messrs. ALVARO CALLE AGUDELO and EUGENIA MADRID, their citation will be arranged by means of location in accordance with article 108 of the General Code of the Process.
3. As for the special request is referred, to authorize "the provisional delivery" of the minor to the mother, not counting the Office at this incipient stage of the process, with the judgement elements that allow to establish that the minor can be better off with the mother, it will be denied.
4. The demand was remedied in a timely manner and in due form, meets the formal requirements demanded by articles 82, 90, 390 and following of the General Code of the Process. Based on the foregoing, the admission of the Demand will be provided, for the respective procedure.

The Family Judge Twelve of the Cali Circuit -Valle del Cauca, in merit of the exposed,

RESOLVES

FIRST ADMIT the present demand for CUSTODY AND PERSONAL CARE established by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ on behalf of her youngest son ALEJANDRO CALLE MUÑOZ, who acts through a judicial agent, against the father of the minor Mr. DIEGO ALEJANDRO CALLE MADRID.

SECOND Please run TRANSFER to the respondent for the term of for which the copies of the demand will be delivered.

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

THIRD CALL the relatives indicated in the lawsuit for ... Mr. WALTER MUÑOZ MEJIA and Mrs NELLY STELLA MARTINEZ as maternal grandparents of the minor ALEJANDRO CALLE MUÑOZ, to LUIS ALFREDO MARTINEZ CHICAIZA as maternal great grandfather, to Mr. VICTOR and LAURA MUÑOZ as maternal uncles, as well as Messrs. CARLOS and ALEXANDRA CALLE MADRID as uncles so that they pronounce themselves if they consider it in writing.

FOURTH ORDER the emplacement of Messrs. ALVARO CALLE AGUDELO and EUGENIA MADRID as paternal grandparents of the minor ALEJANDRO CALLE MUÑOZ as well as other relatives via paternal and maternal, that if they consider it, pronounce on their interest in intervening in the present case. Make note to the demandant that such emplacement will be supplied by including the name of the emplaced subjects, the parties, the class of the process and the Judicial Court that requires it, in a list that will be published only once in a wide written media of national or local circulation (El Pais, La República, El Tiempo) which will be done on Sunday; or in any other means of communication (RCN - radio or Caracol Radio), which could be any day between six (6) in the morning and eleven (11) at night.

FIFTH NOTIFY of this judicial order to the Family Advocate and to the 65th Family Attorney General, both attached to this office.

SIXTH Deny the special petition requested by the plaintiff.

SEVENTH NOTIFY this providence to interested parties in accordance with the Law.

PLEASE NOTIFY AND ACOMPLISH

The Judge,

SANDRA JOHANA HENAO

SANDRA JOHANA HENAO SERNA

REPUBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

SECRETARIAL ACKNOWLEDGEMENT. Cali, May 08, 2018. To the Mrs JUDGE's office, realizing that the plaintiff has already exhausted the notification to the defendant in accordance with article 291 of the General Code of Process.

Please provide.

MARITZA RICO SANDOVAL
Secretaria

FAMILY COURT TWELVE OF CALI
INTERLOCUTORY APPEAL N° 0958

Radicación N° 76 - 00 - 1 - 3 - 1 - 10 - 12- 2016 - 00067 - 00
Santiago de Cali, May eight (08) two thousand and eighteen (2018)

Having seen the secretarial report, it will be proceeded with the defendant's notification Mr. DIEGO ALEJANDRO CALLE MADRID, in accordance with article 292 of the General Code of Process, given that it is confirmed that the procedure of communication for the notification diligence already sold out in accordance with article 291 of the G.C.P., which was legally filled.
In merit of the exposed, the TWELVE FAMILY JUDGE of the CALI Circuit - Valle del Cauca

RESOLVES

FIRST: DISPOSE to evacuate the defendant's notification DIEGO ALEJANDRO CALLE MADRID, in accordance with article 292 of the General Code of Process, to the address provided in the notifications section.

SECOND: WARNING to the complaining party that the notification must be sent through the postal company 472 and certify that the recipient has received it, which must be subsequently contributed to this judicial office.

THIRD: NOTIFY this providence according to the Law.

PLEASE NOTIFY AND ACOMPLISH

The Judge,


SANDRA JOHANA HENAO SERNA

JB6



Julio Cesar Torres Bastidas
Abogado

HONORABLE JUDGE:
FAMILY JUDGE 12 OF ORALITY SANTIAGO DE CALI
AT YOUR OFFICE

Subject: PROVIDING A PUBLIC CONSTANCE OF EDICT
PUBLICATION SUMMONING THE MINOR'S PATERNAL GRANDPARENTS.
Applicant: PAOLA XIMENA MUÑOZ MARTINEZ
Respondent: DIEGO ALEJANDRO CALLE MADRID
Minor: ALEJANDRO CALLE MUÑOZ

Rad.: 2018 - 122

JULIO CESAR TORRES BASTIDAS, of legal age and neighbour of Cali (Valle), identified with citizenship card No. 16,626,235 issued in Cali, lawyer carrying the Professional Card No. 34,183 of the Superior Council of the Judiciary, with professional domicile in Carrera 4 N ° 11 -45 office 611, Banco de Bogotá Building Plaza de Caicedo, Cali (Valle). Telephone 880 82 03, 881 77 52 and 314 672 13 89. E-mail: jecetoba2000@yahoo.com.

Acting within the legal proceedings of the refered process, under power conferred by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, of civil conditions already known by the Office, I allow myself to provide with this written document a copy of LA REPUBLICA newspaper, in which a note was published summoning the paternal grandparents of the minor ALEJANDRO CALLE MUÑOZ, Mr. ALVARO CALLE AGUDELO and Mrs EUGENIA MADRID.

ANNEXES

One copy of the LA REPÚBLICA newspaper, where it is acknowledged the publication site of the minor's grandparents ALVARO CALLE AGUDELO and EUGENIA MADRID

Yours kindly,

JULIO CESAR TORRES BASTIDAS
T.P. No 34.183 del C.S.J.
CC No 16.626.235 de Cali.



Julio Cesar Torres Bastidas
Abogado

HONORABLE JUDGE:
FAMILY JUDGE 12 OF ORALITY SANTIAGO DE CALI
AT YOUR OFFICE

Subject: FAMILY MEMBERS' PRONOUNCEMENT BY MATERNAL
LINE ON THE MINOR'S CUSTODY AND PERSONAL CARE ON THE HEAD OF
THE MINOR'S MOTHER.

Applicant: PAOLA XIMENA MUÑOZ MARTINEZ

Respondent: DIEGO ALEJANDRO CALLE MADRID

Minor: ALEJANDRO CALLE MUÑOZ

Rad.: 2018 - 122

JULIO CESAR TORRES BASTIDAS, of legal age and neighbour of Cali (Valle), identified with citizenship card No.16.626.235 issued in Cali, lawyer carrying the Professional Card No.34.183 of the Superior Council of the Judiciary, with professional domicile in Carrera 4 N° 11 -45 office 611, Banco de Bogotá Building Plaza de Caicedo, Cali (Valle). Telephone 880 82 03, 881 77 52 and 314 672 13 89. E-mail: jecetoba2000@yahoo.com.

Acting in power within the procedure of the referred process, in virtue of the power conferred by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, of age and neighbour of Cali, identified with cc No. 66.918.862, domiciled and resident in 44 B Street N° 10 - 24 Apto 201 BARRIO EL TRONCAL, by phone: 313 7073030, email address: ecodisenomunoz@gmail.com, mother of the minor ALEJANDRO CALLE MUÑOZ, with all due respect I appear before you honorable JUDGE, to present, with this writing, the pronouncement made by each of the relatives of the minor ALEJANDRO CALLE MUÑOZ, by maternal line, in relation to the his custody at the head of her mother, demandant, as follows namely:

- a) Mr. WALTER MUÑOZ MEJIA, Maternal grandfather, with cc N° 14.444.309, with domicile in Carrera 24 N° 4 - 64 of the city of Cali, who has expressed in writing addressed to the Office, that his daughter Mrs. PAOLA XIMENA MUÑOZ MARTINEZ: "...she always was in the care of his grandson until the father arbitrarily took him away from the house and does not allow him (the boy) to see my daughter, she who is the only person that could be aware of my grandson, prepare his food, be aware of his tasks, his clothes, control his friendships, what



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Julio Cesar Torres Bastidas
Abogado

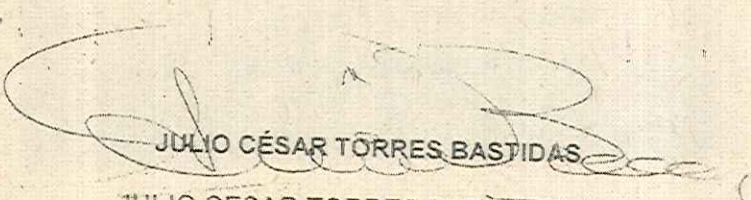
his father could not do because of his work as a transporter, he does not have the time to be aware of the care demanded by the minor ALEJANDRO CALLE MUÑOZ, who is in pre adolescence".

- b) Mrs. NELLY STELLA MARTINEZ, Maternal Grandmother, with ccN° 38.941.683, with address at Calle 16 A N° 17 B - 22 BARRIO BELALCAZAR, in the city of Cali, who in the same manner thinks as her daughter: "... she has been an excellent mother with my grandson, that she could be more aware of the minor because she works at home, what his father could not do so, because of his work as a transporter, does not have the time to be aware of the care demanded by the minor ALEJANDRO CALLE MUÑOZ, who is in the pre adolescence stage".
- c) Mr. LUIS ALFREDO MARTINEZ CHICAIZA, Maternal great-grandfather with cc N°2.432.914, with address at Calle 16A N°17 B - 22 BARRIO BELALCAZAR, in the city of Cali, manifested: "My great-grandson will always be better off with my granddaughter, because she is a good mother and the father does not have the time to assume the functions of the mother because of his work activities."
- d) Mr. VICTOR MUÑOZ CAMACHO, Maternal uncle, with cc N°1.107.076.663, domiciled at Carrera 24 N° 4 -64 apt 301 BARRIO MIRAFLORES of the city of Cali. "I think that my nephew ALEJANDRO, being under the custody and personal care of Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, would be in better living conditions and therefore would allow him as a minor to achieve a more comprehensive development, since with my sister ALEJANDRO has his own room and comforts, a balanced diet, in a better disposition and comfort for his studies, arrangement of his clothes, control of his friends, unlike the situation he is now living in I understand he lives with his father in one room, eating late on the street and in very different conditions than he was".

ANNEXES

The pronouncements that individually and in writing have been addressed to the office, each of the relatives of the minor ALEJANDRO CALLE MUÑOZ, by maternal line, as ordered in interlocutory 0778 of April 16, 2018.

Sincerely,


JULIO CÉSAR TORRES BASTIDAS

JULIO CESAR TORRES BASTIDAS

T.P. No 34.183 del C.S.J.

CC No 16.626.235 de Cali.

HONORABLE JUDGE:
FAMILY JUDGE 12 OF ORALITY SANTIAGO DE CALI
AT YOUR OFFICE (E.S.D.)

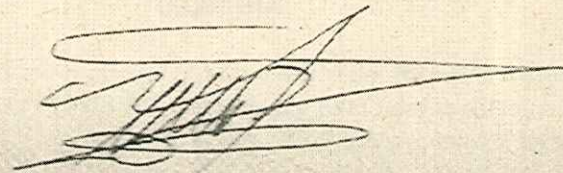
Subject: PRONOUNCEMENT ON THE MINOR ALEJANDRO CALLE MUÑOZ's
CUSTODY.

Rad.: 2018 - 122

Mr. WALTER MUÑOZ MEJIA, elder and neighbour of Cali, acting as Maternal grandfather of the minor ALEJANDRO CALLE MUÑOZ, identified with cc N° 14.444.309, with domicile and residence in Carrera 24 N ° 4 - 64 of the city of Cali,

"with all respect, I pronounce myself on ALEJANDRO's CUSTODY, in my daughter's head, Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, because she has always taken care of my grandson until the father, in an arbitrary way, took him away from his home and does not allow him to see my daughter, being her the only person who could be aware of my grandson, prepare his food, be aware of his tasks, his clothes, control his friendships, what his father could not do because of his work as a transporter, he does not have the time to be aware of the care demanded by the minor ALEJANDRO CALLE MUÑOZ, who is in the pre adolescence which is a life stage of much care and control of the minors".

Your kindly,



WALTER MUÑOZ MEJIA
WALTER MUÑOZ MEJIA
Cc N° 14.444.309

HONORABLE JUDGE:
FAMILY JUDGE 12 OF ORALITY SANTIAGO DE CALI
AT YOUR OFFICE (E.S.D.)

Subject: PRONOUNCEMENT ON THE MINOR ALEJANDRO CALLE MUÑOZ'S
CUSTODY.

Rad.: 2018 - 122

Mrs. NELLY STELLA MARTINEZ, identified with cc N°38.941.683, Maternal Grandmother, with address at Calle 16 A N° 17 B - 22 BARRIO BELALCAZAR, in the city of Cali, I pronounce about my grandson custody : ALEJANDRO CALLE MUÑOZ, on my daughter's behalf: PAOLA XIMENA MUÑOZ MARTINEZ, "who has been an excellent mother to my grandson, torn away from the mother's womb by his father, manipulating and putting him against my daughter, who more than her could be more aware of the child, because it is facilitated to her, because her work is done at home, what his father could not do, because of his work on the street all day long, as a driver, does not allow him to be aware of the care demanded by the minor ALEJANDRO CALLE MUÑOZ, who is in pre adolescence, and who also requires a good diet for his integral development, to enjoy good health and also be able to perform in his studies".

Your kindly,

Atentamente:
NELLY STELLA MARTINEZ ERAZO
CC N° 38.941.683

NELLY STELLA MARTINEZ ERAZO
CC No. 38.941.683 Cali



CONSEJO NACIONAL DE LA MAGISTRATURA DE LA REPUBLICA DE COLOMBIA
MAGNIFICENTE ESCRITORIA
RECIBO DE FORMALIZACIÓN DE DOCUMENTOS
En la ciudad de MADRID el 22 de abril de 2018 a las 12:00 horas compareció ante el notario NELLY STELLA MARTINEZ ERAZO identificada con CÉDULA DE CIUDADANÍA 38041683, CALI quien manifestó que la firma y cantidad que aparece en el presente documento son reales y verídicas y que los datos que aparecen en el presente documento son ciertos y verídicos.
El Notario de esta ciudad, ESCRITORIA de FORMALIZACIÓN DE DOCUMENTOS, en su calidad de Notario, ha verificado la identidad de la compareciente y la veracidad de los datos que aparecen en el presente documento.

Firma del notario
MINISTERIO DE JUSTICIA Y DE PAZ DE COLOMBIA
NOTARIA GONZALEZ Y FORNIEZ
CALLE 10A N° 100-100
Frente al Palacio de Justicia

DE PAZ DE JUSTICIA
Firma del Notario
Firma del Notario
Firma del Notario
Firma del Notario

En testimonio de lo cual, el Notario de esta ciudad, ESCRITORIA de FORMALIZACIÓN DE DOCUMENTOS, ha verificado la identidad de la compareciente y la veracidad de los datos que aparecen en el presente documento.

HONORABLE JUDGE:
FAMILY JUDGE 12 OF ORALITY SANTIAGO DE CALI
AT YOUR OFFICE (E.S.D.)

Subject: PRONOUNCEMENT ON THE MINOR ALEJANDRO CALLE MUÑOZ'
CUSTODY.

Rad.: 2018 - 122

LUIS ALFREDO MARTINEZ CHICAIZA, maternal great-grandfather with citizenship card No. 2.432.914, with address at Calle 16 N° 17 B - 22 Barrio BELALCAZAR in the city of Cali, I manifest to Mrs. JUDGE that my great grandson ALEJANDRO, will always be better off with my granddaughter, PAOLA, because she is a good mother and the father does not have the time to assume the functions of the mother due to his work.

She has a good house and can have the child with her and have him under her protection and care, that is, in her custody.

Luis Alfredo Martinez Chicaiza
LUIS ALFREDO MARTINEZ CHICAIZA

BISABUELO MATERNO, CON CC 2.432.914

LUIS ALFREDO MARTINEZ CHICAIZA
MATERNAL GRET GRANDFATHER CC N° 2.432.914

HONORABLE JUDGE:
FAMILY JUDGE 12 OF ORALITY SANTIAGO DE CALI
AT YOUR OFFICE (E.S.D.)

Subject: PRONOUNCEMENT ON THE MINOR ALEJANDRO CALLE MUÑOZ/
CUSTODY.

Rad.: 2018 - 122

VICTOR MUÑOZ CAMACHO, maternal uncle with citizenship card No. 1.107.076.663, domiciled at carrera 24 N ° 4 - 64 Barrio MIRAFLORES of the city of Cali.

I think my nephew ALEJANDRO would be in a better living conditions and that as a minor being under the custody and personal care of Mrs. PAOLA XIMENA MUÑOZ MARTINEZ would allow him to have an integral development, given that with my sister ALEJANDRO has her own room and his comforts, a balanced diet, in better disposition and comfort for his studies, arrangement of his clothes, control of his friends, unlike the situation he is living in now that as far I understand he lives with his father in one room, eating late on the street and in very different conditions than he used to.

VICTOR MUÑOZ CAMACHO
CC n° 1.107.076.663

VICTOR MUÑOZ CAMACHO
CC 1.107.076.663

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

SECRETARIAL ACKNOWLEDGEMENT. Cali, May 22, 2018. To Mrs JUDGE office, the present process of CUSTODY and PERSONAL CARE with a written memorial to be resolved.
Please provide.

MARITZA RICO SANDOVAL
Secretaria

FAMILY COURT TWELVE OF CALI
INTERLOCUTORY APPEAL N° 0325
RAD. N° 76001 - 31 - 10 - 12- 2018 - 00122 - 00

Santiago de Cali, May twentitwo (22) two thousand and eighteen (2018)

1. Provides the empowered plaintiff, the publication of an edit in El Pais newspaper where Mr. ALVARO CALLE AGUDELO and EUGENIA MADRID are summoned in the condition of grandparents of the minor ALEJANDRO CALLE MUÑOZ as well as to the other relatives of the minor by paternal and maternal way, which will be included in the General System of summoned Persons.
2. From elsewhere, provides a pronouncement on the minor's following relatives: WALTER MUÑOZ MEJIA, NELLY STELLA MARTINEZ ERAZO, LUIS ALFREDO MARTINEZ CHICAIZA and VICTOR MUÑOZ CAMACHO which will be added to the file, to be taken into account at the appropriate procedural moment.

The Family Court 12 of the Cali Circuit, in merit of the exposed.

RESOLVES

- FIRST** to INCLUDE the edit of emplacement in the General System of Summoned Persons brought by the actor plaintiff.
- SECOND** ADD to file the manifestations made by the relatives of minor ALEJANDRO CALLE MUÑOZ, as stated in the preambular part of this providence.
- THIRD** NOTIFY of this providence according to the interested party by in accordance with the law.

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REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

NOTIFIQUESE Y CÚMPLASE.

La Juez

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a loop.

SANDRA JOHANA HENAO SERNA



Julio Cesar Torres Bastidas
Abogado

HONORABLE JUDGE:

FAMILY JUDGE 12 OF ORALITY SANTIAGO DE CALI

AT YOUR OFFICE

Subject: PROVIDING A SHIPPING CONSTANCE NOTICE TO THE
DEMANDED: DIEGO ALEJANDRO CALLE.

Applicant: PAOLA XIMENA MUÑOZ MARTINEZ

Respondent: DIEGO ALEJANDRO CALLE MADRID

Minor: ALEJANDRO CALLE MUÑOZ

Rad.: 2018 - 122

JULIO CESAR TORRES BASTIDAS, of legal age and neighbour of Cali (Valle), identified with citizenship card N° 16,626,235 issued in Cali, lawyer carrying the Professional Card N° 34,183 of the Superior Council of the Judiciary, with professional domicile in Carrera 4 N° 11 -45 office 611, Banco de Bogotá Building Plaza de Caicedo, Cali (Valle). Telephone 880 82 03, 881 77 52 and 314 672 13 89. E-mail: jecetoba2000@yahoo.com.

Acting within the legal proceedings of the referred process, under power conferred by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, of civil conditions already known by the Office, I allow myself to provide with this writing a PROOF OF CITATION SUBMISSION TO THE DEMANDED Mr DIEGO ALEJANDRO CALLE MADRID, duly certified by the post office, to comply with the order of the Office in accordance with the provisions of article 291 of the General Code of Process.

ANNEXES

Certification issued by the firm SERVIENTREGA, where it is stated that the NOTICE was sent to the defendant DIEGO ALEJANDRO CALLE MADRID, for the purposes of the personal notification of the self admissible demand in accordance with the provisions of article 291 of the General Code of the Process.

Yours kindly,


JULIO CÉSAR TORRES

JULIO CESAR TORRES BASTIDAS

T.P. No 34 183 del C.S.J.

CC No 16 626 235 de Cali



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Julio Cesar Torres Bastidas
Abogado

WARNING NOTICE
ARTICLE 292 GENERAL CODE OF THE PROCESS

TO: Mr. DIEGO ALEJANDRO CALLE MADRID.
ADDRESS: AVENIDA 10ª NORTE 3 21 - 06 APTO 402 Barrio STA
MÓNICA RESIDENCIAL
TYPE OF DEMAND: CUSTODY AND PERSONAL CARE
CLAIMANT: PAOLA XIMENA MUÑOZ MARTINEZ
DEFENDANT: DIEGO ALEJANDRO CALLE MADRID

Rad.: 2018 - 122

PROVIDENCE THAT IS NOTIFIED: AUTO INTERLOCUTORY N° 0778 of April 16, 2018

PLEASE APPEAR AT THE TWELVE FAMILY COURT OF ORALITY IN CALI, LOCATED AT CARRERA 10 # 12 - 15, 8TH FLOOR, PALACE OF JUSTICE "PEDRO ELIAS SERRANO ABADIA", TELEFAX 8986868 CALI - VALLE, TO NOTIFY YOU OF THE SELF ADMISSORY DEMAND OF CUSTODY AND PERSONAL CARE INSTAURED AGAINST YOU BY MISS PAOLA XIMENA MUÑOZ MARTINEZ.

YOU ARE WARNED THAT THE NOTIFICATION OF THE SAME, WILL BE UNDERSTOOD ACCOMPLISHED AT THE END OF THE FOLLOWING DAY OF THE NOTICE DELIVERY DATE. THIS NOTICE INCLUDES DELIVERY OF DOCUMENTS.

ANNEXED: INFORMAL COPY OF THE DEMAND AND OF THE SELF ADMISSORY DEMAND.

YOURS KINDLY

JULIO CESAR TORRES BASTIDAS

T.P. N° 34 165 del C.S.J.

CC No 16.626.235 de Cali.

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

SECRETARIAL CONSTANCY: Cali, July 24, 2018. This process to be presented at the Judge Office, having in mind that the notification to Mr DIEGO ALEJANDRO CALLE MADRID was supplied by notice on May 24 of this annuity and expired the transfer term, the defendant did not answer the claim.

Please provide.

MARITZA RICO SANDOVAL
Secretary

JUZGADO DOCE DE FAMILIA DE CALI
INTERLOCUTORY AUTO N° 1568

Rad. N° 76 00 1 - 3 - 1 - 10 - 012 - 2018 - 00122 - 00
Santiago de Cali, July the 24th (24) two thousand eighteen (2018)

1. By a writing that preceeds, the legal representative of the demandant annexes proof of sending the notification by notice to the defendant, through the postal company SERVIENTREGA, which will be added to the autos so that it works and counts.
2. Bearing in mind that the notification by public notice complies with what is established by law, in accordance to the final part of article 292 of the General Code of the Process, the Office will order to take for granted the notification of the defendant DIEGO ALEJANDRO CALLE MADRID, having expire the deadline to answer it on June 29 of this annuity, without any manifestation, will proceed with the hearing schedule.
3. Summon the parties and representatives to the CONCILIATION HEARING, INTERROGATORY OF THE PARTIES, SETTING THE LITIGATION SUBJECT, DECREE PRACTICE OF TESTS and, if possible, pronounce sentence, in accordance with the provisions of article 372 of the General Code of the Process.
4. In accordance with the above, the parties will be prevented to attend personally to absolve the questioning and their judicial representatives, as well as the consequences that their absence could bring to the audience.

The Family Court 12 of the Cali Circuit – Valle del Cauca, in merit of the exposed,

RESOLVES

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL

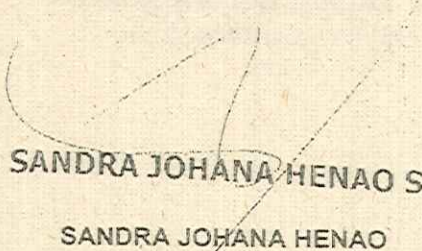


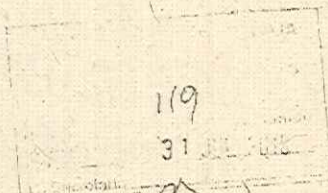
JUZGADO DOCE DE FAMILIA DE CALI

- FIRST HAVE for not answered the demand.
- SECOND ADD to the file the notification record according to article 292 of the General Code of Process, to work out and record in the process.
- THIRD SUMMON the parties and representatives to the CONCILIATION HEARING, INTERROGATORY, SETTING OF THE LITIGATION AND DECREE TEST PRACTICE, and if possible to pronounce a judicial sentence, for the three (03) of September 2018 at nine in the morning (9:00 am)
- FOURTH By the same way let to the parties know and to their representatives that of not attending the audience a fine of five (5) current legal minimum monthly wages will be imposed, as provided by numeral 4 of article 372 General Code of the Process.
- FIFTH NOTIFY of this providence according to the interested party by in accordance with the law.

PLEASE NOTIFY AND ACOMPLISH

The Judge,


SANDRA JOHANA HENAO SERNA
SANDRA JOHANA HENAO



REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



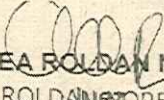
JUZGADO DOCE DE FAMILIA DE CALI

Santiago de Cali, the twenty four of october two thousand eighteen (2018)
Rad. N° 76 00 1 - 3 - 1 - 10 - 012 - 2018 - 00122 - 00

AUTO N° 684

In accordance with article 170 of the General Code of the Process, the Office will order the home visit by the Social Worker attached to it, to the places of residence of Messrs. PAOLA XIMENA MUÑOZ MARTINEZ and DIEGO ALEJANDRO CALLE MUÑOZ, in order to determine the conditions of tenure and care of the minor, the housing ones, the quality of the existing links with the parents as well as the relationship between the other family subsystems at the present time.

TO NOTIFY AND ACOMPLISH.


ANDREA ROLDÁN NOREÑA
ANDREA ROLDÁN NOREÑA
Juez

JUZGADO DOCE DE FAMILIA
NOTIFICACIÓN POR ESTADO
En Estado N° 134 de hoy
Notifíquese a las partes el contenido
del Auto Anterior
El Secretario 12-5 OCT 2018

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NOV. 06 /2018

REPUBLIC OF COLOMBIA
JUDICIAL BRANCH
TWELVE FAMILY COURT OF CALI
DEMAND 2018 - 122A JUDICIAL

JUZGADO DOCE DE FAMILIA CALI - VALLE	
RECIBIDO	
FECHA: 07 NOV 2018	
HORA: 11:10 am	
FIRMA: [Signature]	

TO:
FAMILY JUDGE OF ORALITY IN CALI
AT YOUR OFFICE

SUBJECT: MEMORIAL
APPLICANT: PAOLA XIMENA MUÑOZ MARTÍNEZ
DEFENDANT: DIEGO ALEJANDRO CALLE MADRID
MINOR: ALEJANDRO CALLE MUÑOZ

I, DIEGO ALEJANDRO CALLE MADRID, respectfully, want to clear out that I have not received any notification of this claim sent by you against me, just because I only found out through third parties a few days ago. The reason is that I was notified in a city and address, different from the real place where I live with my son.

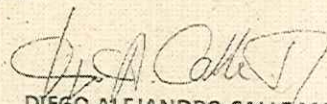
I currently live in the municipality of Yumbo, on 10th Street # 12-29, in the Buenos Aires neighborhood, and I make it clear that both the Yumbo family commissioner and the demandant and her attorney, were knowledgeable, since both attended the Yumbo Family commissioner, on August 16, 2017, 4:40 p.m., at whose hearing on the restoration of the rights of the minor ALEJANDRO CALLE MUÑOZ they were present.

In such document it was made clear that the minor and his father lived, studied and resided in the Yumbo municipality, all of this under the vigilance and petition of the Colombian Institute for Family Welfare -ICBF.

- Annexed copy of psychological assistance.
- Annexed permission to leave the country to the UNITED STATES.

With all my pleasure and from you Mr JUDGE:

DIEGO ALEJANDRO CALLE MADRID
Cc 16'497.534 de Buenaventura
e-mail: diegocalle2000@gmail.com
tel.: 315 507 92 28


DIEGO ALEJANDRO CALLE MADRID
CC.16'497.534 de Buenaventura.
E'mail : diegocalle2000@gamil.com
Tel.: 315 507 92 28.

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6/1/18

AUTHORIZATION COUNTRY DEPARTURE PERMIT FOR CHILDREN, GIRLS AND
ADOLESCENTS

City and date: Cali, 03 November 2018

In accordance with the provisions of paragraph 1° article 110 of Law 1098 of November 8, 2006 "Childhood and Adolescence Code" and other concordant standards, I
AUTHORIZE my son's departure from Colombia:

ALEJANDRO CALLE MUÑOZ

- | | |
|--|------------------|
| 1. Identity card of the minor: | 1.105.364.982 |
| 2. Country of minor's final destination: | United States |
| 3. Travel purpose of the child: | Holidays |
| 4. Minor's date of departure from the country: | November 12 2018 |
| 5. Minor's date of return to the country: | December 27 2018 |



Names, surnames and identity card number of who travels with the child:

DIEGO ALEJANDRO CALLE MADRID id: 16.497.534 Buenaventura

I do equally state, that to date I exercise without any limitation, the parental authority.

GRANTOR

Nombres, apellidos completos y número de identificación
Name, Surnames and identity card number: Ciudadanía

Paola Ximena Muñoz Martínez
(11.669.918.862) Cali

Firma:

[Signature]

Fi

ALCALDIA DE SANTIAGO DE CALI
SECRETARY OF SECURITY AND JUSTICE
TERRÓN COLORADO FAMILY COMMISSIONER
AV 4BIS N° 19 – 00 Tel 8943512

PROOF OF ATTENDANCE

Santiago de Cali, Monday 15 May 2017

The psychologist at the police station leaves a note that today the teenager ALEJANDRO CALLE MUÑOZ attended in the company of his father Mr. DIEGO ALEJANDRO CALLE MADRID in compliance with a citation that was previously delivered to them, to attend today.

The appointment was fixed for 11:00 in the morning and they attended from 10.30 in the morning. The appointment ended satisfactorily at 12:00 noon. By that way, we kindly ask you to excuse the child and his father for the absence in their activities today.

Who makes the constancy,


LUISA FERNANDA VASQUEZ QUINTERO
PSICOLOGA CONTRATISTA
COMISARIA DE FAMILIA DE TERRON COLORADO

comisaria-terron@hotmail.es
LUISA FERNANDA VASQUEZ QUINTERO
PSICOLOGA CONTRATISTA
COMISARIA DE FAMILIA DE TERRON COLORADO

ALCALDIA DE SANTIAGO DE CALI
SECRETARY OF SECURITY AND JUSTICE
TERRÓN COLORADO FAMILY COMMISSIONER
AV 4BIS N° 19 - 00 Tel 8943512

INITIAL INTERVIEW BY PSYCHOLOGY

Psychological History No. 4161.2.9.1222

In Santiago de Cali, May 15, 2017 Mr. DIEGO ALEJANDRO CALLE MADRID is introduced, father of the 11-year-old ALEJANDRO CALLE MUÑOZ teenager, the dynamics of the meeting are explained and permission is requested to interview the teenager ALEJANDRO CALLE MUÑOZ, to what he accesses. Then, he is invited to wait outside with the purpose that the adolescent can express himself freely and voluntarily.

INTERVIEWEE IDENTIFICATION

NN. ALEJANDRO CALLE MUÑOZ		Facts commission date: 27 - 02 - 2017	
Date of birth: 01 - 02 - 2005		Sex: M	Occupation: "Ocupación NNA"
Identity Document: Identity Card		# Identity Document: 1105364982	Occupation: "Ocupación NNA"
Academic Level: Sixth Grade secondary at the José Antonio Galán Cooperativo Técnico Industrial college, in the municipality of Yumbo - Valle del Cauca.		Place of residence: Yumbo CALLE 10 N° 12 - 29, BUENOS AIRES neighbourhood, in the Municipality of YUMBO VALLE	
EPS: NUEVA EPS REGIMEN CONTRIBUTIVO		Telephone 3155079228	Nivel Socioeconómico: NO APORTA

OBJECTIVE:

The purpose of the intervention is a guidance on the family dynamics and to listen the version of adolescent ALEJANDRO in relation to his family situation, all of this is within the framework of the rights restoration by alleged physical abuse that is advancing in his favour in order to expand the information regarding the case.

METHODOLOGY: CONVERSATIONAL

FAMILY STRUCTURE: Currently, ALEJANDRO has been living only with his father for about last 4 months, since his parents are divorced and he has had conflicts with his mother who as indicated by the adolescent, has threatened him and his father of death, and is quite hostile to him.

ALEJANDRO

DEVELOPMENT OF THE INTERVIEW: The adolescent ALEJANDRO expresses: "I'm currently living with my dad for the last four months, we live in the city of Yumbo - Valle, there I'm studying in a private school. This situation started because my mother treated me very badly, she hit me a lot, sometimes she gave me fists, kicks and leash in my hands, my arms. she yelled at me, she insulted me by telling me stupid, idiot and fool. I didn't do anything, I didn't answer, because it's wrong. My dad knew about it and said she couldn't do it.

I realized some things about her and told my dad, but I don't want to talk about that. Then, my dad and I left because she threw us out of the house and the police helped us to retire four bags of clothes and personal items, she kept many things of mine, such as my TV. Since then I have not seen her again and I do not want to see her, at least for now. My mom was not attentive to either my care or my food and every Sunday she left and didn't share with me.

Right now I'm in sixth grade, I like living with my dad because he cares about me, he is aware if I eat or not, if I study or not, and he cares how I feel unlike on how she was with me. My dad usually when I behave well or achieve something he rewards me, he thanks me. When he gets angry he explains it to me and that is all, but he doesn't attack me, just tell me that he won't let me out when I'm grounded. My relationship with him is very good, I know I can always count on him.

In terms of the school, I'm doing very well, I like to be there although I almost don't like the psychologist, when I go to school he takes me and also my dad picks me up, I study in the morning. My dad cooks my food, and he cooks very well.

In terms of my responsibilities at home, I have to wash my uniform, he washes my clothes, then we take turns and some days I have to clean, sweep, just a few days. On weekends I go out to the park or stay at home and then go out. My dad always cares about spending time with me, not like my mom used to do, it seems she didn't care about.

At this moment I am in good health, my dad takes me to the dentist because there is a need to take two prongs out because they have rebounded, I share with my

paternal family on Sundays. But with my mother's family I almost don't see them, I don't really want to do it, they are very difficult, they pressure me a lot, I do not like them.

The only detail I don't like about my dad or yes but more or less, is that he is a very demanding and perfectionist man. As for my mother I would like my TV back, which was given to me by my maternal grandfather and I need it. I'm almost not afraid of my mom, but of her father, he is very aggressive, more than her. We left Cali for fear of her dad, because we believe he can make us harm. Here I want you to know that for now I don't want to see my mother, she is very aggressive and I feel that if she doesn't go to a psychologist or does something it's not good to see each other"

PSYCHOLOGIST

ANALYSIS: The adolescent showed up to the interview appropriately dressed and organized. His personal appearance is good, initially he was somehow shy but quite collaborative and willing to give the interview, his skin tone is very clear and apparently very pale. Both his attention and concentration are properly preserved, he presents a suitable language demonstrating its course and content of adequate thinking. During the interview he was always alert and attentive to the questions asked, on several occasions he was quite affected by the situation with his mother, he is very fearful when talking about his maternal grandfather. He states that he is happy of leaving from his mother side and live with his father, recognizes his father's efforts to seek his well-being and values him, affirming that his father is his partner and visualizing him as a positive figure. At this time he does not want to see his mother and considers that she requires a psychological process to manage her anger problems and control her emotions. He doesn't show visible signs of recent physical abuse. In aspects such as his memory, fixation and concentration, he presents an adequate development for his age. In his speech he shows no violations of any kind by his father, but apparently yes from his mother.

RIGHTS VERIFICATION: According to the file, the adolescent presents a health coverage through the EPS, is legally registered by their parents, has its respective identity card and he is attending to the school.

RECOMMENDATIONS: It is recommended that the adolescent continue living with the father considering his own desire. Additionally, it is important that the adolescent give continuity to his psychological process to learn to manage his emotionality, to be able to work his relationship with the mother in order to reconstruct and reconfigure their communication assertively, measure for love and respect. Likewise, it is important that the family as a whole receive guidance to establish better

communication guidelines both between parents as co-authors of such upbringing even though they are separated, and as between the parents with ALEJANDRO.

The psychologist,


LUISA FERNANDA VASQUEZ QUINTERO
Psicóloga Contratada - Familia de Terron Colorado
Hora Final
LUISA FERNANDA VASQUEZ QUINTERO
Outsite psychologist at the Terron Colorado Family Police Station.

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REPUBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

TWELVE FAMILY JUDGE OF CALI

Rad. N° 76 00 1 - 3 - 1 - 10 - 012 - 2018 - 00122 - 00
Santiago de Cali, nineteen of November two thousand eighteen (2018)

AUTO N° 838

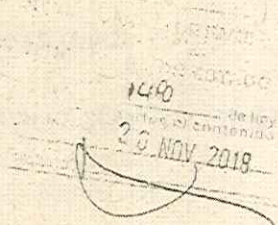
It will be ordered to add to the process without any pronouncement since that the review of the defendant's certifications of notification (articles 291 and 292 of the General Code of Process) issued by the postal company SERVIENTREGA (folios 44 and 66), where it is evidenced that they were delivered to the address provided by Mr. DIEGO ALEJANDRO CALLE MADRID in diligence carried out by the First Family Commissioner of Yumbo (folio 20 of the file), that is Avenida 10 Norte N° 21 - 06, apartment 402, Santa Monica de Cali neighbourhood, and where he said that "does not provide the direction of Yumbo arguing that he is threatened." From elsewhere, those who received notifications, manifest that "The recipient resides or works at the indicated address". Being like that, it is not clear to the Office what is Mr. DIEGO ALEJANDRO CALLE MADRID intention in relation to the advance notification process.

From elsewhere, it is brought in mind to Mr. CALLE MADRID, that if he considers it convenient may constitute technical defense, to represent him in the present case.

TO NOTIFY AND ACOMPLISH.

ANDREA ROLDAN NOREÑA
Juez

ANDREA ROLDAN NOREÑA
Juez





Julio Cesar Torres Bastidas
Abogado

Honorable Judge
12 FAMILY JUDGE of ORALITY CALI
E.S.D.

PROCESS: CUSTODY OF A MINOR
APPLICANT: PAOLA XIMENA MUÑOZ MARTINEZ
DEMANDED: DIEGO ALEJANDRO CALLE MADRID
MINOR: ALEJANDRO CALLE MUÑOZ

SUBJECT: Request prohibition to leave the country to the minor ALEJANDRO
CALLE MUÑOZ

Rad.: 2018 - 122 - 00

JULIO CÉSAR TORRES BASTIDAS, of age and neighbour of Cali (V), identified with citizenship card N° 16,626,235 issued in Cali, lawyer carrying the Professional Card N° 34,183 of the Superior Council of the Judiciary, with professional domicile in Carrera 4 N° 11 - 45 office 611, Banco de Bogotá Building Plaza de Caicedo, Cali (Valle). Telephones 880-82-03, 881-77-52 and 314-6721389. Email: jucetoba2000@yahoo.com

Acting within the proceedings of the referred process, under the power conferred by Mrs. PAOLA XIMENA MUÑOZ MARTINEZ, of civil conditions already known by the Office. With all due respect and whatsoever Mr. DIEGO ALEJANDRO CALLE MADRID father of the minor, in an arbitrary manner and exercising custody of the minor arbitrarily, refuses to return him to the country violating the agreed date for the child's return in January 2019, after his 2018 holiday. With all due respect I request the honorable Office to free ex officio before the authorities of Emigration Colombia, prohibiting the departure of the country of the minor ALEJANDRO CALLE MUÑOZ, until this process of custody is decided.

Yours kindly,


JULIO CÉSAR TORRES

JULIO CESAR TORRES BASTIDAS
T.P. No 34 183 del C.S.J.
CC No 16 626 235 de Cali.

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

TWELVE FAMILY JUDGE of CALI

Rad. N° 76 00 1 - 3 - 1 - 10 - 012 - 2018 - 00122 - 00
Santiago de Cali, First of February two thousand nineteen (2019)

AUTO N° 164

The Office will deny the request submitted by the empowered representative since the adolescent ALEJANDRO CALLE MUÑOZ is already out of the country, as stated in the written statement.

Nevertheless, the memorialist is informed that the national legislation contemplates the figure of the International Restitution of children and adolescents, Law 173 of 1994 probative of the Convention on civil aspects of the international kidnapping of children, signed in The Hague, Law 620 of 2000 probative of the InterAmerican Convention on the International Return of Children in accordance with article 112 of the Childhood and Adolescence Code, affair that, if it is considered pertinent, must be advanced before the family jurisdiction.

In the meantime, the process that is being carried out in this judicial instance of Custody and Personal Care, will continue its process, according to the norm; for this reason, the demandant will be required to provide the contact telephone numbers of the adolescent ALEJANDRO CALLE MUÑOZ and his father, Mr. DIEGO ALEJANDRO CALLE MADRID, in order to establish contact with ALEJANDRO to conduct a videoconference interview and, with his father, on the date that will be defined to carry out the hearing covered by articles 372 and 373 of the General Code of the Process.

On the other side, it will be ordered to OFFICIATE Migration Colombia in order to determine the date of departure from the country of the adolescent in question, as well as to establish whether their entry into the country has occurred.

TO NOTIFY AND ACOMPLISH,

ANDREA ROLDAN NOREÑA

Judge

ANDREA ROLDAN NOREÑA
Juez



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REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

TWELVE FAMILY JUDGE of CALI

Rad. N° 76 00 1 - 3 - 1 - 10 - 012 - 2018 - 00122 - 00

Santiago de Cali, February fourteenth of two thousand nineteen (2019)

OFICIAL PAPER N° 149

Mrs
SPECIAL ADMINISTRATIVE UNIT MIGRATION COLOMBIA
MINISTRY OF FOREIGN AFFAIRS
Avenida 3ª A Norte # 50 N - 20, Barrio La Flora
Cali

Type of process: CUSTODY AND PERSONAL CARE
Claimant: PAOLA XIMENA MUÑOZ MARTINEZ id N°66.918.862
Defendant: DIEGO ALEJANDRO CALLE MADRID id N°16.497.534
Adolescent: ALEJANDRO CALLE MUÑOZ id. N°1105364982
Rad.: 76-00-131-10-12-2018-00122-00

By providence N° 164 of February 01 of 2019 it was arranged to officiate them to certify that if the adolescent ALEJANDRO CALLE MUÑOZ, identified with T.I: N° 1105364982, has left the country and if his return has occurred in the last year.

In consequence please proceed in accordance and provide the information requested here at soon as possible.

Sincerely yours,

MARITZA SANDOVAL RICO
Secretary

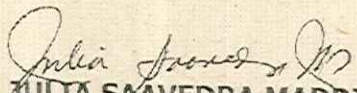
CONSTANCY

Santiago de Cali, February fourteen (14) of two thousand nineteen (2019).

Today it is fully recorded that at 2:46 pm I called via whatsapp to Mr. DIEGO ALEJANDRO CALLE MUÑOZ to the cell number 315 5079228, but it was sent to mailbox.

Being 2:48 pm of the same day, I communicated by phone via WhatsApp with the young ALEJANDRO CALLE MUÑOZ, to the number 300 8561515 contributed by the lawyer Julio César Torres B. ALEJANDRO said he was living in the city of Okala, State of Florida, United States; also that he has been studying there since November 2018. He was informed that it is required to speak to his father Mr. DIEGO, stating that he was working and that he could be called back at 12:00 noon.

Being 4:49 pm I contacted Mr. ALEJANDRO CALLE MUÑOZ and he agreed that we might establish communication by this mean with the young DIEGO ALEJANDRO CALLE MADRID, defining as date February 19 at 9:00 am. Informed the following email address: diegocalleusa@gmail.com.


JULIA SAAVEDRA MADRID
Asistente Social

JULIA SAAVEDRA MADRID
Social Assistant

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

TWELVE FAMILY JUDGE of CALI

Rad. N° 76.001-3-1-10-012-2018-00122-00
Santiago de Cali, February fifteenth two thousand nineteen (2019)

OFICIAL PAPER N° 271

According to the record that precedes it will be ORDERED an interview with the adolescent ALEJANDRO CALLE MUÑOZ, by the Social Worker of the Office, by video-call to the cell number 3008561515, contributed by the authorized demandant.

Likewise, written document by the plaintiff will be added, through which he informs the contact cell numbers of the defendant Mr. DIEGO ALEJANDRO CALLE MADRID and his son ALEJANDRO CALLE MUÑOZ, which will be added to the file so that it works and counts in accordance.

PLEASE NOTIFY AND ACCOMPLISH,

ANDREA ROLDAN NOREÑA
Judge

ANDREA ROLDAN NOREÑA
Juez

JUZGADO DOCE DE FAMILIA	
NOTIFICACION DE SENTENCIA	
026	
10 FEB 2019	
El Secretario	

REPÚBLICA DE COLOMBIA
RAMA JUDICIAL



JUZGADO DOCE DE FAMILIA DE CALI

TWELVE FAMILY JUDGE of CALI

Santiago de Cali, February twenty seventh two thousand nineteen (2019)

Rad. N° 76 00 1 - 3 - 1 - 10 - 012 - 2018 - 00122 - 00

OFICIAL PAPER N° 345

Taking into account that it was not possible to advance the scheduled diligence, the Office will proceed to set a new date on Thursday, March twenty-one (21) of two thousand nineteen (2019) at 9:00 am, in order to carry out the CONCENTRATED HEARING, that articles 372 and 373 are about, that is to say, both the INITIAL HEARING and the INSTRUCTION AND JUDGMENT will be exhausted, HAVING ORDERED the practice of the following tests, in accordance with subsection 1 of article 392 of the General Code of Process, with the same preclusions of July 24, 2018 judicial order (auto).

ON THE STANDING PART:

DOCUMENTARY PROOF: Have as documentary evidence the documents contributed at the judicial beginning (libelo genitor) in files 11 to 25 (article 173 of the General Code of the Process), namely:

- Extrajudicial conciliation before the Attorney General's Office, Family II Attorney General's Office 8.
- Birth certificate of adolescent ALEJANDRO CALLE MUÑOZ.
- Opening order N°264 of the Rights Restoration process in the interest of adolescent ALEJANDRO CALLE MUÑOZ.
- Resolution No. 009 - 2016 of August 16, 2017 issued by the Yumbo First Family Police Station, Valle del Cauca.
- Record of Hearing N°175 Divorce process between Messrs. PAOLA XIMENA MUÑOZ MARTINEZ and DIEGO CALLE MADRID.
- Payment receipts for food quota related to his son ALEJANDRO CALLE MUÑOZ.

In regards to the application of a SOCIOFAMILIARY STUDY, the Office ordered its realization by means of auto N° 684 of October 24, 2018, to folio 79 of the file.

