

Commonwealth of Puerto Rico General Court of Justice

Guidelines for Requesting Exequatur in Puerto Rico

Rule 55 of the Puerto Rico Rules Civil Procedure (32 LPRA Ap. V) defines **exequatur** as a “procedure for the legal recognition and validation of a foreign judgment by the courts of the venue in which its enforcement is sought.” In other words, **it is the mechanism that allows the validation in our jurisdiction of judgments not issued in Puerto Rico.**

Judgments entered in foreign countries, as well as those rendered in any United States of America jurisdiction, must be validated through exequatur. This procedure does not allow discussing or addressing the judgement sought to be validated. It only allows for the recognition of a judgment entered by a court outside Puerto Rico.

To be valid in Puerto Rico, a judgment issued in a United States jurisdiction must meet the following requirements:

- (a) it must be issued by a court with personal and subject-matter jurisdiction;
- (b) the issuing court must have observed due process of law;
- (c) it cannot be obtained through fraud; and
- (d) it must be issued by a competent court.¹

Criteria to be considered before filing a petition or action for exequatur:

- (a) When the procedure involves the validation of an adoption judgment or a name change judgment, you must make sure that the judgment rendered by the foreign court or by any United States jurisdiction orders the name change and its entry in the Demographic Registry. If the judgment does not contain that determination, you must request the pertinent amendments to such ends in the jurisdiction where the judgement was issued before applying for exequatur in Puerto Rico.
- (b) Applications for exequatur may be filed pro se or through counsel. The attorney representing you must be admitted to practice by the Supreme Court of Puerto Rico.²
- (c) Pro se litigants may request service by email of all notices related to the exequatur case by sending [OAT Form 1844](#) to the Office of the Clerk of the court in which your case is pending.

¹ Judgement issued in foreign courts must meet these same requirements as well as the following:

- (a) the system under which the judgement was rendered must be known for its impartiality and lack of prejudice against foreigners;
- (b) the system cannot be contrary to public policy; and
- (c) the judgment cannot be repugnant to the basic principles of justice.

² The Family Solicitor (Department of Justice of Puerto Rico), in all cases in which the interests of children or incompetent persons could be affected.

Below are the steps to be taken when applying for exequatur in Puerto Rico courts:

Step I- File an action or *ex parte* petition

The interested party has two options:

- (a) To bring action against the other persons affected by the judgement rendered by another jurisdiction whose validation and recognition is sought.³
- (b) To file an *ex parte* petition signed under oath by all the persons affected by the judgement rendered by another jurisdiction whose validation and recognition is sought.⁴

To access a sample *ex parte* petition for *exequatur* or a sample action for *exequatur*, you can access the following links:

[Ex parte OAT Form 1846 - Petition for Validation and Recognition of Adoption Judgment Rendered by a Court of the United States of America \(Exequatur\)](#)

[OAT Form 1847 - Action for Validation and Recognition of Adoption Judgment Rendered by a Court of the United States of America \(Exequatur\)](#)

Step II-Choose the court in which the action or petition will be filed

The action must be filed in the court of the place where the validation of the judgment will be enforced.

Examples:

1. If the validation sought involves the adoption, in another jurisdiction, of a child born in Puerto Rico, the court that will pass on this action or petition must be the court of the municipality in which the adopted child was born.
2. If the validation sought involves a divorce granted in another jurisdiction that will result in the liquidation of the Conjugal Partnership, the competent court will be the court of the municipality in which the assets are located.

To find out in which court the action or petition must be filed, click on the following link to access a map of the Judicial Regions of Puerto Rico:

[Map of the Judicial Regions of Puerto Rico](#)

³ The Prosecuting Attorney's Office (Department of Justice of Puerto Rico) in all cases seeking validation of judgments related to judicial claims for purposes of their subsequent entry in the Registry of Property (Section 11 of the Registry of Real Property Act of the Commonwealth of Puerto Rico).

⁴ The Secretary of Justice of Puerto Rico in all cases that, in the opinion of the Puerto Rico court, involve a matter of great public interest that warrants the appearance of the Secretary on behalf of the Commonwealth of Puerto Rico.

Step III-Payment of fees

This action or petition must be accompanied by the payment of a fee in the amount of **\$90**. To make such payment, you must contact Colecturía Digital at (787) 291-9292 or send an email to: servicioalcliente@colecturiadigital.com.

Step IV-Documents that must be attached to the action or petition

The action or petition must be accompanied by the following documents:

- (a) A certified, legible, and complete copy of the judgment whose validation and recognition is sought.
- (b) A true and exact Spanish translation of the judgment, if not originally drafted in Spanish or English. (Judgments drafted in English may be filed).

Any additional documents that must be filed will depend on the action or petition filed in the Puerto Rico court. Below are the most common examples:

Type of action or petition	Additional documents required
Divorce	Marriage certificate
Adoption	<ul style="list-style-type: none">– Birth certificate of the child– Marriage certificate if the adopting parents are spouses– Documents supporting each of the exequatur requirements set forth on page 1 of these Guidelines
Name change	<ul style="list-style-type: none">– Birth certificate– Criminal record from Puerto Rico and from the jurisdiction where the petitioner lives– Work certificate– Copy of the documents obtained under the name sought to be adopted– County Clerk Certification, if necessary

Step V-Notice

The action or *ex parte* petition must be served on the following persons:

1. All persons affected by the judgment whose validation and recognition is sought.
2. The Family Solicitor (Department of Justice of Puerto Rico), in all cases in which the interests of children or incompetent persons could be affected.
3. The Prosecuting Attorney's Office (Department of Justice of Puerto Rico) in all cases seeking validation of judgments related to judicial claims for purposes of their subsequent entry in the Registry of Property (Section 11 of the Registry of Real Property Act of the Commonwealth of Puerto Rico).

4. The Secretary of Justice of Puerto Rico in all cases that, in the opinion of the Puerto Rico court, involve a matter of great public interest that warrants the appearance of the Secretary on behalf of the Commonwealth of Puerto Rico.

Below is a link to the addresses of the Regional Offices of the Department of Justice of Puerto Rico:

[Regional Offices of the Department of Justice of Puerto Rico](#)

Step VII-Request for hearing by videoconference

Should a hearing be necessary for this procedure, the interested party may request in the action or *ex parte* petition that the hearing be conducted by videoconference. It is in the discretion of the court to grant such request.

If you have questions or doubts about this procedure, please contact the Judicial Power information line at (787) 641-6263.