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Mexico Implements Certificates of Non-Registration in the National Child Support Debtors Registry in Real Estate Transactions

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As part of the efforts to protect the rights of children and adolescents, Mexico has implemented various measures in recent years aimed at encouraging compliance with child support obligations.

Among these measures, and pursuant to the General Law on the Rights of Children and Adolescents (the "Law"), the National Child Support Obligations Registry (the "Registry") was created. The purpose of the Registry is to centralize information regarding child support creditors and debtors in Mexico in cases where the debtor is in default of his or her support obligations.

As part of its functions, the Registry may issue, upon request by an interested party, Certificates of Non-Registration in the Registry (the "Certificate"), which serve to evidence, for certain legal proceedings and administrative filings, that an individual is not registered as a delinquent child support debtor.

Pursuant to Article 135 Sexties of the Law, federal, state, and municipal authorities are required to implement the necessary measures to establish the Certificate as a prerequisite for certain procedures and filings, including driver's licenses, passports, marriage applications, among others.

Furthermore, Section V of Article 135 Sexties of the Law establishes that the Certificate is required in connection with acts executed before a Mexican Notary Public involving real estate purchase and sale transactions, as well as the creation or transfer of property rights.

As a result, it is important to consider that, in real estate transactions where any of the parties is an individual, compliance with the Law requires obtaining the corresponding Certificate. Therefore, verifying compliance with this requirement should form part of the legal due diligence process prior to the execution of the relevant deed or instrument before a Mexican Notary Public, particularly since the Registry's database is updated periodically based on information provided by local courts throughout Mexico.

Although the Law establishes the presentation of the Certificate as a legal requirement, there is currently no clear guidance regarding the consequences of failing to comply with such requirement.

At CCN, we remain at your disposal to address any questions you may have regarding this publication.