

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

DANIELA JUAREZ SANTANA,)
)
Petitioner,)
)
v.)
)
PEDRO MUÑOZ CASTELLANOS,)
)
Respondent.)

09-CV-62
JUDGE LINDBERG
MAGISTRATE JUDGE NOLAN



AFFIDAVIT OF DANIELA JUAREZ SANTANA

NOW COMES THE AFFIANT, having been duly sworn according to law, deposes and states the following:

1. My name is Daniela Juarez Santana. I am the Petitioner in the above-referenced matter. I respectfully submit this affidavit in support of my Motion for Entry of Judgment (“Motion”). By my Petition, filed with this Court on January 6, 2009, I am seeking a ruling by this Court that Mexico is the appropriate forum for any custodial dispute concerning my only child, Pedro Emiliano Muñoz Juarez, who was wrongfully abducted by his father Pedro Muñoz Castellanos (the “Respondent”) in Mexico and taken to the United States of America on March 22, 2008.

2. My current address is Domicilio Conocido, Ejido Santa Monica, Municipio Guerrero Coahuila, Mexico.

3. I was born on November 1, 1987 in Piedras Negras, Coahuila, Mexico. My parents are both Mexican citizens and I have lived my entire life – but for a few months described below – in Mexico.

4. On July 29, 2005, Respondent and I were married at the Eagle Pass International Bridge in Eagle Pass, Texas.

5. It is my understanding, based on our conversations, that Respondent is a United States citizen, and that both of his parents are (or were) Mexican nationals.

6. After our marriage, Respondent and I lived together as a married couple in Villa Union, Coahuila, Mexico.

7. While living in Coahuila, Mexico, on May 6, 2007, my child Pedro Emiliano Muñoz Juarez was born (the "Child"). My child is now a little over 2 years old and have not seen him since March 22, 2008, the day Respondent took him to the United States.

8. I do not have any other children.

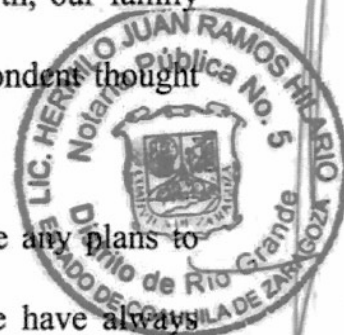
9. The Child is a citizen of Mexico and a true and correct copy of his birth certificate is attached hereto as Exhibit A. Attached hereto as Exhibit B is a true and correct copy of my Declaration Establishing the Habitual Residence of my Child, which was previously submitted to this Court on January 6, 2009.

The Child's Life Prior to Abduction

10. Between November 2007 and March 2008, Respondent and I left Mexico on several occasions, but always temporarily. We always returned to the Mexico, where we intended to live.

11. For instance, in November 2007, six months after the Child's birth, our family (myself, my Child and Respondent) moved to Waukegan, Illinois because Respondent thought he could find seasonal, short-term work there.

12. While staying in the United States, Respondent and I never made any plans to permanently raise the Child in the United States; as we are both Mexican, we have always



intended to raise the Child in Mexico. The purpose of our trip was for Respondent to find temporary work.

13. At all times prior to the day he was taken from me by Respondent, I was the primary caregiver of our Child regardless of whether we were living in Mexico or traveling in the United States.

The Abduction

14. On March 22, 2008, while in Mexico, Respondent told me that he had to return to Eagle Pass, Texas to attend a counseling session and that he would be taking the Child with him and returning shortly.

15. After not hearing from Respondent for a few hours, I became very concerned and called Respondent to inquire about the Child.

16. Respondent told me that he had taken the Child and my U.S. Travel Documents.

17. Later that day, I was informed that Respondent was still in Coahuila and had not in fact gone to Eagle Pass, Texas. I went looking for him at his mother's house and found him there. I was very upset because Respondent had left with my Child and told me I would never see my Child again.

18. I called the police because Respondent had abducted my Child. The police came, and Respondent showed them a document that he said was a legal document saying he had custody of the child. I do not know what this document was and had never seen it before. The document was written in English and I do not believe the police could read it. Respondent's cousin who speaks English claimed to translate document for the police. The police told me that there was nothing I could do.

19. There was no report written by the police regarding this incident, they merely let Respondent go with my Child.



20. The next day, we appeared at the police station. The police judge was not present. We spoke to another individual. I do not know his name or title. Again, Respondent presented what he said was a legal document written in English saying he had custody of the Child. The hearing officer did not speak or read English, so Respondent's cousin claimed to translate the document.

21. The individual at the police station said that he did not have the authority to issue an order contrary to the document Respondent presented.

22. At no time did I ever say that I was unable to care for the Child or that Respondent and I agreed that he should care for the Child. I have always been the primary caregiver for the Child and have always wanted him to be with me. I love my child and want him returned home, to Mexico, so I would never say anything to the effect of that I could not care for my Child.

23. Since that incident, in an effort to find out any information about the whereabouts of my Child, I called Respondent literally hundreds of times and left numerous voicemails imploring Respondent to, at a minimum, return my call and let me know where my Child was.

24. On one occasion, Respondent did take my phone call. During that call, Respondent confirmed that he did not intend to return to Mexico and that he planned to keep my Child with him in the United States.

25. Since Respondent absconded from Mexico with my Child in March 2008, I have made repeated requests that he return the Child to me in Mexico, all of which have been refused.

26. Immediately following Respondent's abduction of my Child, I reported the abduction to the Central Authority for Child Abduction in Mexico.

27. Further affiant sayeth not.



I declare under penalty of perjury that the foregoing is true and correct.

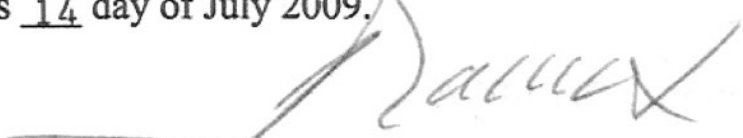
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Executed this 14 day of July, 2009 at Piedras Negras, Coah Mexico.

Daniela Juarez Santana
Daniela Juarez Santana

Subscribed and sworn to by me
this 14 day of July 2009.



My Commission expires:

LIC. HERMILO J. RAMOS HILARIO
NOTARIO PUBLICO NUMERO 5.

CH01/25361128



EL C. LICENCIADO HERMILO JUAN RAMOS HILARIO, NOTARIO PUBLICO NUMERO (05) CINCO, EN EJERCICIO LEGAL EN EL DISTRITO NOTARIAL DE RIO GRANDE, CON RESIDENCIA EN ESTA CIUDAD DE PIEDRAS NEGRAS, COAHUILA CERTIFICA:=====

Que hoy Martes (14) catorce de Julio de (2009) dos mil nueve, **COMPARECIO ANTE MI:** La señora **DANIELA JUÁREZ SANTANA**, mexicana por nacimiento, mayor de edad, casada, dedicada al hogar, con domicilio en calle Sin Nombre sin número en el Ejido Santa Mónica en Guerrero, Coahuila. =====

La Compareciente se identifico con su credencial para votar número de folio 0505012500062, expedida por el Instituto Federal Electoral, tiene capacidad legal sin que en contrario nada me conste **DOY FE Y MANIFESTO:**

Que para los efectos legales a que hubiere lugar, **RECONOCE POR SER SUYA LA FIRMA** que aparece al calce del **DOCUMENTO** que antecede, mismo que **RATIFICA** en todas y cada una de sus partes. =====

FUERA DE PROTOCOLO Y CON FUNDAMENTO EN LA FRACCION II DEL ARTICULO NOVENO DE LA LEY DE NOTARIADO VIGENTE EN EL ESTADO, EXTIENDO LA PRESENTE CERTIFICACION, EN LA FECHA AL PRINCIPIO SEÑALADA. DOY FE. =====

Daniela Juarez Santana

DANIELA JUÁREZ SANTANA

[Handwritten Signature]
LIC. HERMILO JUAN RAMOS HILARIO
NOTARIO PUBLICO NUMERO 5

