

Title	Request for Specific Measures & Response (Art. 7(1))
Document	Prel. Doc. No 9 of December 2020 (final version)
Author	Forms Working Group
Agenda item	TBD
Mandate(s)	C&R No 29 of the 2016 CGAP
Objective	- Further to the finalisation by the Forms Working Group of the recommended Request for Specific Measures & Response forms under Article 7(1) of the 2007 Convention in accordance with C&R No 29 of the 2016 CGAP, the two revised forms have now been approved by Members for publication purposes. These are the same forms as the ones circulated in October 2020 but without the yellow highlighted text.
Action to be taken	For Approval <input checked="" type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/>
Annexes	Annex I: Request for Specific Measures (Art. 7(1)) Annex II: Request for Specific Measures – Response (Art. 7(1))
Related documents	- Prel. Doc. No 2A of July 2009 - Forms Working Group, Report - Prel. Doc. No 2B (revised) of August 2010 - Forms Working Group, Recommended Forms - Prel. Doc. No 3 (final) of September 2011 - Country Profile 2007 Child Support Convention

I. Introduction

1. At its March 2016 Meeting, “[t]he Council directed the Permanent Bureau [PB] to consult the members of the former Forms Working Group under the 2007 Child Support Convention on a new recommended form for specific measures with a view to finalising and publishing it”.
2. During the month of May 2020, the PB consulted the former Forms Working Group with a view to finalising and publishing the recommended Request for Specific Measures and Response forms annexed to this document. As a result of this consultation, the two recommended forms were substantially improved thanks to the very practical and constructive input of members of the Working Group.
3. Further to consultations of the Members in May-June, July-September and October-November 2020 and the former Forms Working Group in May, July and October 2020, revised versions of the recommended forms have been approved by Members.

II. Explanations

4. The two recommended forms are limited to requests under Article 7(1) of the 2007 Convention. The Forms Working Group recommends that the Special Commission consider the development of a separate form for the purpose of Article 7(2). The Forms Working Group concluded that combining requests for specific measures under both Articles 7(1) and 7(2) in the same form would be too cumbersome and could result in some confusion since both requests have different requirements. For example, the former request is to be supported by reasons where the latter does not need such reasons. Furthermore, the former request will be carried out only if the Central Authority is satisfied that it will assist a potential applicant; the latter request does not include such condition.
5. The annexed recommended forms are built on features of existing mandatory forms (see Annexes 1 and 2 of the 2007 Convention) and recommended forms approved by Members in 2009 (see Prel. Doc. No 2B (revised) of August 2010) for which data fields have been programmed in iSupport, the electronic case management and secure communication system under the 2007 Convention.
6. The “Confidentiality and Personal Data Protection Notice” as well as the fields for the “Contact Details of the Requesting Central Authority” are the same in every form. The fields for the “Particulars of the Applicant” and the “Particulars of the Debtor” are the same as in the Application for Recognition or Recognition and Enforcement and the Application for Modification of a Decision. The “Attestation” field is the same as in every recommended form. However, in the attached request for specific measures only the requesting Central Authority can make the request.
7. It is to be noted that in these forms the potential applicant can either be the creditor (*i.e.*, “the person for whom maintenance would be sought” and / or “the person to whom maintenance is payable”) or the “debtor”. In that latter case, it is to be understood that the “debtor” would be making a request concerning an existing maintenance decision prior to making an Application for recognition or an Application for modification of a decision under Article 10(2) of the 2007 Convention. When doing so, the “debtor” would be making a request in relation to “the person to whom maintenance is payable” (*i.e.*, the caregiver creditor) and / or “the person for whom maintenance is payable” (*i.e.*, the child creditor) (see Sections 6.1. and 6.2. of the Request for Specific Measure and Sections 4.1. and 4.2. of the Response). Similar explanations have been included in the revised version of Prel. Doc. No 7 of December 2020 “Guidance to complete the Mandatory and Recommended Forms under the 2007 Child Support Convention”.
8. The list of documentary or other evidence found under Section 6.3. is the same as the list found under Section 8 of the Application for Establishment (see Prel. Doc. No 2B (revised) of August 2009, p. 38). The same list appears under Section 4.3. of the Response. Finally, the list of measures found

under Section 6.4. "Provide assistance in establishing parentage where necessary for the recovery of maintenance" are taken from the Country Profile (Prel. Doc. No 3 (final) of September 2011) under Stage 1., Part I.6.i. (see Section 4.4 of the Response).

ANNEXES

Request for Specific Measures

(Article 7(1))

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such information shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

A determination of non-disclosure has been made by a Central Authority in accordance with Article 40. If this box is ticked, information under section 7 d, e, f and g should only be provided in the Restricted Information on the Potential Applicant page of this form.

1. Requesting Central Authority a. Address b. Telephone number c. Fax number d. E-mail e. Reference number	2. Contact person in requesting State a. Address (if different) b. Telephone number (if different) c. Fax number (if different) d. E-mail (if different) e. Language(s)
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3. Requested Central Authority: _____
 Address: _____

4. Grounds for the request:

- To assist the potential applicant in making an application under Article 10.
 Please explain: _____
- To assist the potential applicant in determining whether an application under Article 10 should be initiated.
 Please explain: _____

5. The potential applicant is:

- The person for whom maintenance would be sought or is payable
- The representative of the person for whom maintenance would be sought or is payable
- The debtor
- The representative of the debtor

6. The following specific measure(s) is (are) requested:
- 6.1. Help to locate the debtor or the creditor (Art. 6(2) b)):
- The debtor, or
 - The person to whom maintenance is payable, or
 - The person for whom maintenance is payable, or
 - Both the person to whom maintenance is payable and the person for whom maintenance is payable
- 6.2. Help to obtain relevant financial information (Art. 6(2) c))
- Income of:
 - the debtor, or
 - the person to whom maintenance is payable, or
 - the person for whom maintenance is payable, or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Assets of:
 - the debtor or
 - the person to whom maintenance is payable, or
 - the person for whom maintenance is payable, or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Location of the assets of:
 - the debtor or
 - the person to whom maintenance is payable, or
 - the person for whom maintenance is payable, or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Other financial circumstances of:
 - the debtor, or
 - the person to whom maintenance is payable, or
 - the person for whom maintenance is payable, or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable.
- Please specify: _____
- 6.3. Facilitate the obtaining of documentary or other evidence (Art. 6(2) g))
- Birth certificate or equivalent
 - Acknowledgement of parentage by the debtor
 - Formal statement providing evidence relating to parentage
 - Decision of competent authority concerning parentage
 - Genetic test results
 - Adoption certificate
 - Certificate of marriage or similar relationship and date of divorce / separation
 - Formal statement providing evidence relating to common residence of the parties
 - Agreement between the parties relating to maintenance
 - Evidence of attendance at secondary or post-secondary educational institution
 - Evidence of disability
 - Financial Circumstances Form
 - Statement of arrears or payment history
 - Other evidence. Please specify: _____
 - Decision of the requested State concerning a maintenance obligation. Please specify: _____
-
- Include supporting documents:
- Abstract of the Decision
 - Statement of Enforceability of the Decision
 - Statement of Proper Notice of Proceedings / Decision

6.4. Provide assistance in establishing parentage where necessary for the recovery of maintenance (Art. 6(2) *h*))

- Co-ordinate genetic testing
- Seek a voluntary acknowledgment of parentage
- Seek a legal determination of parentage
- Refer request to the appropriate competent authority
- Provide advice on the appropriate procedure(s)
- Other, please specify: _____

6.5. Initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application (Art. 6(2) *i*))

Please specify: _____

6.6. Facilitate service of documents (Art. 6(2) *j*))

Please specify and attach document(s): _____

7. Particulars of the potential applicant

The potential applicant is:

- The person for whom maintenance would be sought or is payable
- The representative of the person for whom maintenance would be sought or is payable
- The debtor
- The representative of the debtor

a. Family name(s): _____

b. Given name(s): _____

c. Date of birth:¹ _____ (dd/mm/yyyy)

or

a. Name of the public body: _____

b. Family name(s) of the contact person: _____

c. Given name(s) of the contact person: _____

and

d. Address: _____

e. Telephone numbers: _____

f. Fax number: _____

g. E-mail: _____

¹ It is not necessary to provide a date of birth in the case of a representative.

8. Particulars of the person(s) for whom maintenance would be sought or is payable**8.1. Maintenance would be sought or is payable for the potential applicant named above****Maintenance basis:**

- parentage *in loco parentis* or equivalent relationship
 marriage analogous relationship to marriage
 affinity (please identify): _____
 grandparent sibling grandchild
 other: _____

8.2. Maintenance would be sought or is payable for the following child(ren)**a. Family name(s):** _____**Given name(s):** _____**Date of birth** _____ (dd/mm/yyyy)**Maintenance basis:**

- parentage *in loco parentis* or equivalent relationship

b. Family name(s): _____**Given name(s):** _____**Date of birth** _____ (dd/mm/yyyy)**Maintenance basis:**

- parentage *in loco parentis* or equivalent relationship

c. Family name(s): _____**Given name(s):** _____**Date of birth** _____ (dd/mm/yyyy)**Maintenance basis:**

- parentage *in loco parentis* or equivalent relationship

8.3. Maintenance would be sought or is payable for the following person**Family name(s):** _____**Given name(s):** _____**Date of birth** _____ (dd/mm/yyyy)**Maintenance basis:**

- marriage analogous relationship to marriage
 affinity (please identify): _____
 grandparent sibling grandchild
 other: _____

8.4. Maintenance would be sought or is payable for additional children or persons, additional particulars are attached

9. Information in relation to the debtor and, where applicable, the creditor**9.1. Particulars (if known) of the debtor**

- The person is the same as the potential applicant named above
- a. Family name(s): _____
- b. Given name(s): _____
- c. Date of birth: _____ (dd/mm/yyyy)
- d. Residential address: _____

- e. Postal address: _____

9.2. If the debtor is the potential applicant, particulars (if known and applicable) of the representative of the person(s) for whom maintenance is payable

- a. Family name(s): _____
- b. Given name(s): _____
- c. Address: _____

- d. Telephone numbers: _____

- e. Fax number: _____
- f. E-mail: _____

9.3. Information that may assist with the location of the potential respondent

- a. Personal identification number: _____
(include name of country or territorial unit that issued the number)
- b. Any other information that may assist with the location of the respondent

**10. Attach and specify other relevant documents: _____
_____**

11. Attestations

- This request for specific measures was completed by the requesting Central Authority.**
- This request for specific measures complies with the requirement of the Convention (Article 7(1)). The information contained in this request for specific measures corresponds to and is in conformity with the information and documents provided by the potential applicant to the requesting Central Authority. The request for specific measures is forwarded by the Central Authority on behalf of and with the consent of the potential applicant.**

Name: _____ **(in block letters)** **Date:** _____

Authorised representative of the Central Authority

(dd/mm/yyyy)

Restricted Information on the Potential Applicant

Request for Specific Measures (Article 7(1))

N.B. The requesting Central Authority has determined that information under sections 7 d, e, f and g on this page shall not be disclosed or confirmed for the protection of the health, safety or liberty of a person. Such a determination shall according to Article 40(2) be taken into account by the requested Central Authority.

1. Requesting Central Authority file reference number: _____

7. Particulars of the potential applicant

- a. Family name(s): _____
- b. Given name(s): _____
- c. Date of birth: _____ (dd/mm/yyyy)
- d. Address: _____

- e. Telephone numbers: _____

- f. Fax number: _____
- g. E-mail: _____

- This request for specific measures was completed by the requesting Central Authority.
- This request for specific measures complies with the requirement of the Convention (Article 7(1)). The information contained in this request for specific measures corresponds to and is in conformity with the information and documents provided by the potential applicant to the requesting Central Authority. The request for specific measures is forwarded by the Central Authority on behalf of and with the consent of the potential applicant.

Name: _____ (in block letters) Date: _____
 Authorised representative of the Central Authority (dd/mm/yyyy)

Request for Specific Measures - Response

(Article 7(1))

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such information shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or confirm information gathered or transmitted in application of this Convention if it determines that to do so could jeopardise the health, safety or liberty of a person in accordance with Article 40.

A determination of non-disclosure has been made by a Central Authority in accordance with Article 40.

1. Requested Central Authority a. Address b. Telephone number c. Fax number d. E-mail e. Reference number	2. Contact person in requested State a. Address (if different) b. Telephone number (if different) c. Fax number (if different) d. E-mail (if different) e. Language(s)
<input type="checkbox"/> First Response / <input type="checkbox"/> Subsequent Response – Date of last Response: _____ (dd/mm/yyyy)	

3. File identification

a. Requesting Central Authority file reference number: _____

b. Family name(s) of the potential applicant: _____

or

b. Name of the public body: _____

and

c. Family name(s) of the person(s) for whom maintenance would be sought or is payable: _____

d. Family name(s) of debtor: _____

4. The following measures have been taken
- 4.1. Debtor or creditor located (Art. 6(2) b):
- The debtor, or
 - The person to whom maintenance is payable, or
 - The person for whom maintenance is payable, or
 - Both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Located in the requested State, please provide address, if possible: _____
 - _____
 - Located / believed to be in another State, please specify: _____
 - _____
 - Effective date of information: _____ (dd/mm/yyyy)
 - A determination of non-disclosure about the address has been made by the requested Central Authority in accordance with Article 40.
- 4.2. Financial information obtained (Art. 6(2) c)) (please attach relevant information)
- Income of:
 - the debtor, or
 - the person to whom maintenance is payable, or
 - the person for whom maintenance is payable, or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Effective date of information: _____ (dd/mm/yyyy)
 - Assets of:
 - the debtor, or
 - the person to whom maintenance is payable, or
 - the person for whom maintenance is payable, or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Effective date of information: _____ (dd/mm/yyyy)
 - Location of the assets of:
 - the debtor or
 - the person to whom maintenance is payable or
 - the person for whom maintenance is payable or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Please specify the location of the assets, if possible: _____
 - _____
 - Effective date of information: _____ (dd/mm/yyyy)
 - A determination of non-disclosure about the location of the assets has been made by the requested Central Authority in accordance with Article 40.
 - Other financial circumstances of:
 - the debtor, or
 - the person to whom maintenance is payable, or
 - the person for whom maintenance is payable, or
 - both the person to whom maintenance is payable and the person for whom maintenance is payable
 - Effective date of information: _____ (dd/mm/yyyy)
- 4.3. Documentary or other evidence obtained (Art. 6(2) g)) (please attach relevant information)
- Birth certificate or equivalent
 - Acknowledgement of parentage by the debtor
 - Formal statement providing evidence relating to parentage
 - Decision of competent authority concerning parentage
 - Genetic test results
 - Adoption certificate
 - Certificate of marriage or similar relationship and date of divorce / separation

- Formal statement providing evidence relating to common residence of the parties
 - Agreement between the parties relating to maintenance
 - Evidence of attendance at secondary or post-secondary educational institution
 - Evidence of disability
 - Financial Circumstances Form
 - Statement of arrears or payment history
 - Other evidence. Please specify: _____
 - Decision of the requested State concerning a maintenance obligation
Including:
 - Abstract of the Decision
 - Statement of Enforceability of the Decision
 - Statement of Proper Notice of Proceedings / Decision
- 4.4. Assistance in establishing parentage where necessary for the recovery of maintenance provided (Art. 6(2) *h*)
- Genetic testing coordinated
 - Voluntary acknowledgment of parentage sought (please attach any signed acknowledgement)
 - Legal determination of parentage sought (please attach any legal determination)
 - Request referred to the appropriate competent authority
 - Advice concerning the appropriate procedure(s) provided
 - Other, please specify: _____
- 4.5. Proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application initiated or facilitated (Art. 6(2) *i*)
- Please specify: _____
- 4.6. Service of documents facilitated (Art. 6(2) *j*)
- Please specify: _____
5. Additional information concerning the measures taken: _____
- _____
6. The requested Central Authority is unable to provide the specific requested measure(s) for the following reasons: _____
- _____
- _____
7. Please provide the following additional information and / or documentation: _____
- _____
8. The requested Central Authority has refused to process the request for specific measures because it is not satisfied based on the information provided by the requesting Central Authority that the requested measures are necessary to assist a potential applicant in making an application under Article 10 or in determining whether such an application should be initiated.

Name: _____ (in block letters) Date: _____
 Authorised representative of the Central Authority (dd/mm/yyyy)