



# Overview of the Hague 2007 Child Support Convention

*Fourth Malta Conference  
on Cross-frontier Child Protection and Family Law  
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**Maja Groff**, Senior Legal Officer  
Hague Conference on Private International Law

# Recovery of maintenance in context

## *UN Rights of the Child Convention*

### Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the **child's physical, mental, spiritual, moral and social development**.
2. The **parent(s) or others responsible for the child have the primary responsibility** to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

# Recovery of maintenance in context

## *UN Rights of the Child Convention*

### Article 27

4. States Parties **shall take all appropriate measures** to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party **and from abroad.** In particular, **where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements** or the conclusion of such agreements, as well as the making of other appropriate arrangements.

# Recovery of maintenance in context

## *1956 UN Maintenance Convention*

- 65 States Parties (including Algeria, Israel, Morocco, Pakistan, Tunisia and Turkey)
- Establishes channels for the transmission of requests for the establishment of a maintenance order (but not the recognition and enforcement of a foreign maintenance orders)
- Difficult operation among legal systems of various traditions, no regular review, not keeping pace with national developments
- 2007 Hague Convention replaces the 1956 UN Maintenance Convention between Contracting States

# Recovery of maintenance in context

## *Statistics*

240 millions persons  
live outside their  
State of origin

+

Increasing rates of  
family separation

=

Greater instances of  
cross-border  
maintenance  
obligations

- In some States, 1 *international* child support case for every 1,000 inhabitants
- Child support payments (national and international) total **billions** of dollars worldwide
- Securing the recovery of maintenance reduces the strain on States' welfare and social security systems

# A new global regime

## Negotiations for the Child Support Convention (2003-2007)



NB: Boundaries on this map are based upon those used by the UN Cartographic Section. The number of States reflects the Parties as recorded by the Depositary (NL MFA). Neither should be taken to imply official endorsement or acceptance.

# Flexible scope

- Entire Convention applies on a mandatory basis to child support cases of persons under the age of 21 (reservation for persons under 18) and to spousal support combined with child support (Art. 10(1) a) & b))
- Convention also covers spousal support but its provision on administrative co-operation will apply to spousal support only where States have made a declaration
- Application of any part of the Convention could be extended by way of declaration to other maintenance obligations arising from a family relationship, parentage, marriage or affinity, including vulnerable adults

# Key features of the Convention

- Universality
- Accessibility ➡ 

Free legal assistance (Art. 15) + CA services at no cost (save exceptional costs Art. 7)
- Simplicity & Flexibility ➡ 

Model forms (Art. 11(4)) + direct request to competent authority (Art. 37) or through CA (Chapter III)
- Speed & Efficiency ➡ 

Speedy timeframe for the handling applications (Art. 12) and for recognition/enforcement (Art. 23) + consultation of Country Profile to verify available enforcement mechanisms in Requested State (Arts 32-34 and 57) + communications by electronic means (Art. 13 and iSupport)
- Cost-effectiveness ➡ 

Possibility to check before making application if debtor is located in Requested State and/or has means to pay child support in that State (e.g., seizure of assets)
- Responsiveness and fairness ➡ 

Due process (Arts 23-25) decision enforceable in the State of Origin, appearance of the respondent
- Non-discrimination ➡ 

Convention applies to children regardless of the marital status of their parents
- Co-operation and compliance
- Protocol on Applicable Law (optional)



# Universality

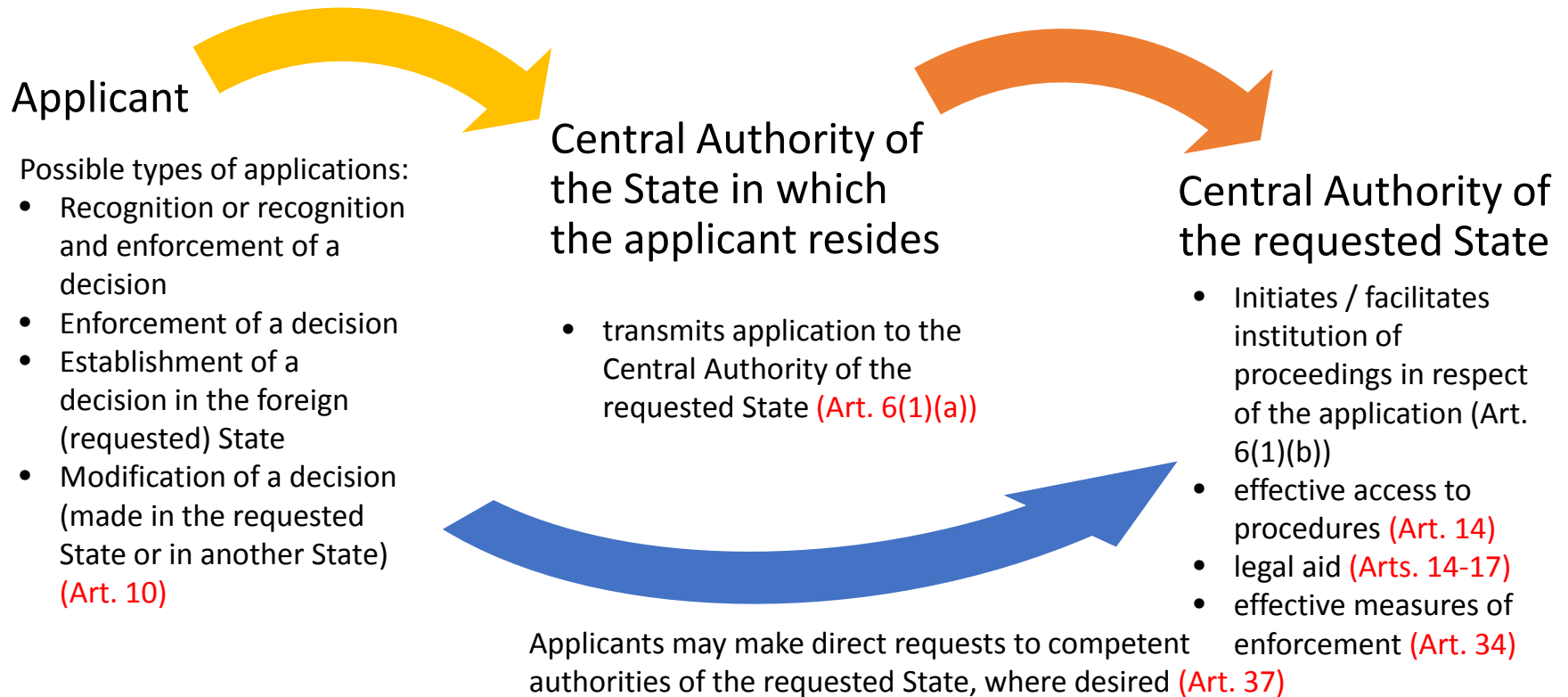
- The 2007 Child Support Convention, like the other Hague Children's Conventions, does not prescribe changes to national substantive law
- Rather, it allows different legal systems to interact and co-operate with each other, based on mutual trust and confidence, in the best interests of children
- Legal systems based upon or influenced by Shari'a traditions stipulate a range of precedents of maintenance owed to children and spouses, which would be respected by other nations under the 2007 Convention

# 2007 Child Support Convention: Principal Components

Ensures the effective international recovery of child support and other forms of family maintenance

- **Procedures available** in States for establishment, recognition, recognition and enforcement, enforcement and modification
- **Effective access** to procedures / legal aid
- System of **administrative co-operation** for the treatment of applications between Contracting States
- Recognition and enforcement of foreign decisions / orders (**maximum recognition, simple procedures**)
- **Swift and effective enforcement**

# 2007 Child Support Convention



# Optional Protocol on Applicable Law

- Independent instrument (optional)

## Scope of application

- Determines the law applicable to maintenance obligations arising from a family relationship, parentage, marriage or affinity, including a maintenance obligation in respect of a child regardless of the marital status of the parents

# 2007 Protocol on Applicable Law

## General rule

- Maintenance obligations governed by the law of the State of the habitual residence of the creditor
- Law of the State of the new habitual residence applies at the moment the change occurs

## Special rules favouring certain creditors

- Parents towards their children
- Persons, other than parents, towards persons who have not attained the age of 21 years
- Children towards their parents

# 2007 Child Support Convention: Effective Access to Procedures

All Contracting States obliged to provide effective access to procedures, including enforcement and appeal procedures, by providing:

- Simple procedures with the assistance of CAs allowing the applicant to proceed without further assistance
- Free legal assistance for applications for establishment and for recognition and enforcement of child support decisions (with some exceptions)

# 2007 Child Support Convention

## Central Authority Services (Arts 6 and 7\*)

Provide/facilitate provision of legal assistance

Locate creditor/debtor

Obtain information on financial circumstances creditor/debtor

Encourage amicable solutions and voluntary payments

Facilitate enforcement

Facilitate payments

Facilitate obtaining evidence

Assist in establishing parentage

Initiate/facilitate initiation of proceedings to obtain a limited type of provisional measure

Facilitate service of documents

Certain services under Arts 6 & 7 can be requested *before* making an application through a CA under Art 10.

# 2007 Child Support Convention

## Mandatory Form

### ANNEX I

#### Transmittal form under Article 12(2)

##### 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 data 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. 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)

3. Requested Central Authority: \_\_\_\_\_

Address \_\_\_\_\_  
\_\_\_\_\_

#### 4. Particulars of the applicant

a. Family name(s): \_\_\_\_\_

b. Given name(s): \_\_\_\_\_

c. Date of birth: \_\_\_\_\_ (dd/mm/yyyy)

#### Application for Recognition or Recognition and Enforcement

☐ Article 10(1) a) ☐ Article 10(2) a) ☐ Article 20

## Recommended Forms

##### 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 sections 2 d, e, f and g and 5 should only be provided in the Restricted Information on the Applicant page of this form.

1. Requesting Central Authority file reference number: \_\_\_\_\_

#### 2. Particulars of the applicant

The applicant is:

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

a. Family name(s): \_\_\_\_\_

b. Given name(s): \_\_\_\_\_

c. Date of birth:<sup>1</sup> \_\_\_\_\_ (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: \_\_\_\_\_



# COUNTRY PROFILE CONVENTION

**DRAFT FOR CONSIDERATION BY MEMBERS – 2 August 2007**  
**Prepared for the Administrative Co-operation Working Group**

**NAME OF THE COUNTRY THAT COMPLETED THE PROFILE WILL APPEAR HERE**  
**(It will be done automatically in the electronic format of the Profile)**

<b>3. LANGUAGE REQUIREMENTS</b> (Art. 41 of Prel. Doc. No 29 of June 2007)	
a. Does your State require that any application and related documents be accompanied by a translation? If yes, in what language?  (Art. 41(1) of Prel. Doc. No 29 of June 2007)	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Into official language of our State; <input type="checkbox"/> Into another language. Please specify.
b. Does your State have more than one official language?	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
c. If you have more than one official language in your State and cannot, for reasons of internal law, accept for the whole of your territory documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of your territory.  (Art. 41(2) of Prel. Doc. No 29 of June 2007)	
d. For other communications between Central Authorities, do you object to the use of either French or English?  (Arts 41(3) and 57 of Prel. Doc. No 29 of June 2007)	<input type="checkbox"/> No <input type="checkbox"/> Yes, <input type="checkbox"/> Object to English <input type="checkbox"/> Object to French

**Last Update: [INSERT DATE]** (It will be done automatically in the electronic format of the Profile)

<b>4. FUNCTIONS OF CENTRAL AUTHORITIES</b>	
a. Can the functions of the Central Authorities be performed by public bodies, or other bodies subject to the supervision of the competent authorities of your State?  (Art. 6(3) of Prel. Doc. No 29 of June 2007)	<input type="checkbox"/> No <input type="checkbox"/> Yes, please complete 4(b) below.
b. Designation and contact details of any such public bodies, other bodies and the extent of their functions.  (Art. 6(3) of Prel. Doc. No 29 of June 2007)	Name Address  Territorial and / or personal extent of functions Telephone Fax Email Web site Contact person(s)

**DRAFT FOR CONSIDERATION BY MEMBERS – 2 August 2007**  
**Prepared for the Administrative Co-operation Working Group**

**NAME OF THE COUNTRY THAT COMPLETED THE PROFILE WILL APPEAR HERE**  
**(It will be done automatically in the electronic format of the Profile)**

c. Do you have an agreement with another Contracting State for the purpose of improving the application of the Convention between yourself and that other Contracting State?  (Art. 45 of Prel. Doc. No 29 of June 2007)	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> bi-lateral agreement (please provide a link or a copy to that agreement); <input type="checkbox"/> other (please provide a link or a copy to that agreement)
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**Last Update: [INSERT DATE]** (It will be done automatically in the electronic format of the Profile)

<b>5. SPECIFIC FUNCTIONS OF THE CENTRAL AUTHORITIES IN RELATION TO APPLICATIONS UNDER CHAPTER III</b> (Art. 6(2) of Prel. Doc. No 29 of June 2007)	
a. How do you provide or facilitate the provision of legal assistance in your State? Please specify for applications at first instance and applications at appeal stage.  (Art. 6(2) a) of Prel. Doc. No 29 of June 2007)	<p><u>Legal assistance for applications at first instance</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Procedures are designed to enable the applicant to make the case without the need for legal assistance and the Central Authority provides such services as are necessary free of charge;</li> <li><input type="checkbox"/> Legal assistance is provided by the Central Authority;</li> <li><input type="checkbox"/> Legal assistance is provided by designated public bodies - please specify;</li> <li><input type="checkbox"/> Legal assistance is provided by other designated bodies subject to the supervision of competent authorities - please specify;</li> <li><input type="checkbox"/> Other, please specify.</li> </ul> <p><u>Legal assistance for applications at appeal stage</u></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Procedures are designed to enable the applicant to make the case without the need for legal assistance and the Central Authority provides such services as are necessary free of charge;</li> <li><input type="checkbox"/> Legal assistance is provided by the Central Authority;</li> <li><input type="checkbox"/> Legal assistance is provided by designated public bodies - please specify;</li> <li><input type="checkbox"/> Legal assistance is provided by other designated bodies subject to the supervision of competent authorities - please specify;</li> <li><input type="checkbox"/> Other, please specify.</li> </ul>

# iSupport in Summary

- IT system that facilitates cross-border recovery of maintenance
- **Electronic case management and secure communication system** for the *2007 Child Support Convention, 2009 EU Regulation, 1965 New York Convention* and bilateral treaties
- Pilot States: Portugal, Brazil, Finland, Norway, the Netherlands, Estonia, US-California

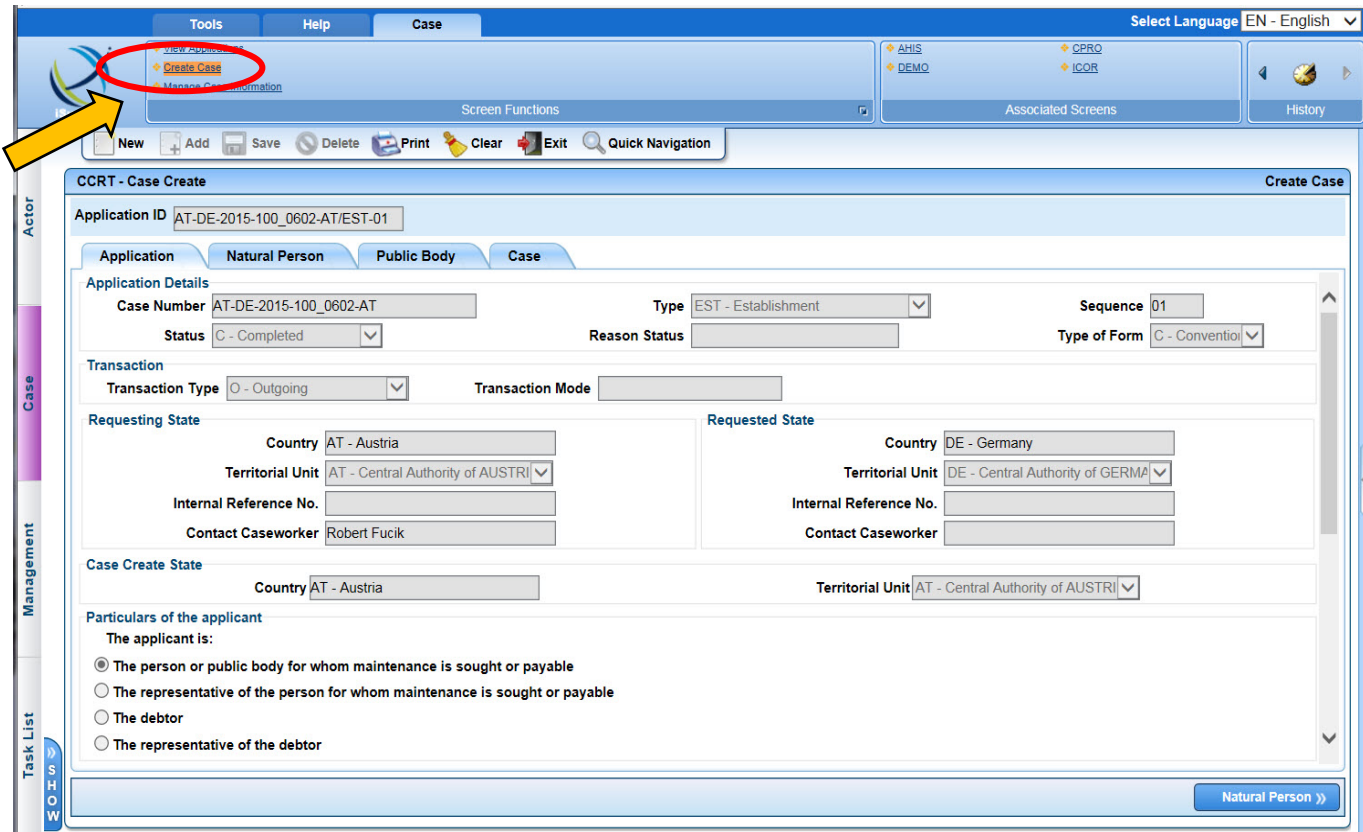
# iSupport

## **Benefits for States**

- Available for free (except maintenance and support fees)
- Customizable & open source
- Savings (mail / courier costs & translations)
- Provides citizens with effective access to justice
- Effective work processes

# iSupport

Create a  
case



The screenshot shows the 'CCRT - Case Create' form in the iSupport application. A yellow arrow points to the 'Create Case' button in the top navigation bar. The form is titled 'Create Case' and contains the following sections:

- Application ID:** AT-DE-2015-100\_0602-AT/EST-01
- Application Details:**
  - Case Number:** AT-DE-2015-100\_0602-AT
  - Type:** EST - Establishment
  - Sequence:** 01
  - Status:** C - Completed
  - Reason Status:**
  - Type of Form:** C - Conventio
- Transaction:**
  - Transaction Type:** O - Outgoing
  - Transaction Mode:**
- Requesting State:**
  - Country:** AT - Austria
  - Territorial Unit:** AT - Central Authority of AUSTRI
  - Internal Reference No.:**
  - Contact Caseworker:** Robert Fucik
- Requested State:**
  - Country:** DE - Germany
  - Territorial Unit:** DE - Central Authority of GERMA
  - Internal Reference No.:**
  - Contact Caseworker:**
- Case Create State:**
  - Country:** AT - Austria
  - Territorial Unit:** AT - Central Authority of AUSTRI
- Particulars of the applicant:**
  - The applicant is:**
    - ☒ The person or public body for whom maintenance is sought or payable
    - ☐ The representative of the person for whom maintenance is sought or payable
    - ☐ The debtor
    - ☐ The representative of the debtor

At the bottom right, there is a button labeled 'Natural Person »'.

# iSupport

Workflows  
for all  
applications

The screenshot displays the iSupport application interface. A yellow arrow points to the 'Manage Convention Case Processes' link in the 'TOOLS' menu. The interface includes a top navigation bar with 'Last Login: 05/04/2016 09:43:03 AM' and 'Roles: MANAGER A'. The 'Case' section shows a 'Case Number' filter set to 'NO-SI-2016-100\_3752-NO'. The 'Case Summary Ribbon' displays details for a case, including Debtor (10003958 David JOHN), Creditor (10003960 Léna SMITH), Case Type (C - Convention), and Case Create State (NO - Norway). The 'Manage Convention Case Processes' section shows a table of case types with columns for New, Active, Complete, and Last Post. The 'Outgoing Modification of a Decision - Convention' row is highlighted, showing 1 active case and a last post of 'ARES - Await Requested State Response by MVAUTRAVERS on 17/03/2016 05:16:56 AM'.

Type	New	Active	Complete	Last Post
Incoming Modification of a Decision - Convention		0	0	
Incoming Recognition only - Convention		0	0	
Incoming Recognition and Enforcement of a Decision - Convention		0	0	
Incoming Requests for Specific Measures - Convention		0	0	
Outgoing Enforcement of a Decision - Convention		0	0	
Outgoing Establishment - Convention		0	0	
Outgoing Modification of a Decision - Convention		1	0	ARES - Await Requested State Response by MVAUTRAVERS on 17/03/2016 05:16:56 AM
Outgoing Recognition only - Convention		0	0	
Outgoing Recognition and Enforcement - Convention		0	0	

# 2007 Convention: Current status

- The Convention entered into force on 1 January 2013 and currently 32 States are bound by the Convention (Albania, Bosnia and Herzegovina, European Union Member States with the exception of Denmark, Montenegro, Norway and Ukraine).
- Burkina Faso and the United States of America have each signed the Convention (up-coming ratifications)
- Other States will join soon (*e.g.*, Argentina, Belarus, Brazil, Canada, Chile, Kazakhstan)

# 2007 Child Support Convention

## Benefits of ratifying / acceding to the Convention

- Respects diverse legal systems while implementing UNCRC
- Ensures **effective international recovery of child support**
  - Especially important given the increasing movement of people between States internationally
- **Enhances co-operation** between States worldwide, for the well-being of children and vulnerable families
- Replaces the need to negotiate bilateral instruments with individual States- the Convention is already **widely ratified** (**32 States** across various continents)
- **Financial incentives for** governments to join (less strain on social security; also a form of cross-border 'remittance')
- **Contracting States access to Hague Conference post-Convention services** (e.g., technical assistance, e-Country Profile, iSupport)

# 2007 Child Support Convention: Additional Resources

HCCH | Child Support Section

https://www.hcch.net/en/instruments/conventions/specialised-sections/child-support

Français Other languages Search

**HCCH**

MEMBERS & PARTIES INSTRUMENTS PROJECTS GOVERNANCE PUBLICATIONS & STUDIES

international system for the cross-border recovery of child support and other forms of family maintenance. This specialised section contains a range of information on the Convention and the Protocol, including their full texts, current status, explanatory documents and other materials which will assist those working with these instruments.

Please note that the Permanent Bureau of the Hague Conference has no mandate to assist in individual cases of the international recovery of child support and family maintenance cases. If you have a question relating to the international recovery of child support or other forms of family maintenance, and your country is bound by the 2007 Child Support Convention or the 2007 Protocol on the Law Applicable to Maintenance Obligations, please contact the Central Authority designated by your country.

<b>Text of the Convention</b> - Translations  <b>Text of the Protocol</b> - Translations	<b>States and REIOs bound by the Convention ("status table")</b> <b>Central Authorities</b>  <b>States and REIOs bound by the Protocol ("status table")</b>
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<b>Explanatory documents (Convention):</b>	<ul style="list-style-type: none"> <li>Explanatory Report, drawn up by Alegría Borrás and Jennifer Degeling with the assistance of William Duncan and Philippe Lortie</li> <li>Outline of the Convention</li> </ul>
<b>Explanatory documents (Protocol):</b>	<ul style="list-style-type: none"> <li>Explanatory Report, drawn up by Andrea Bonomi</li> <li>Outline of the Protocol</li> </ul>
<b>Mandatory and Recommended Forms:</b>	<ul style="list-style-type: none"> <li>Annex 1 to the Convention – Transmittal Form under Article 12(2)</li> <li>Annex 2 to the Convention – Acknowledgement Form under Article 12(3)</li> <li>Other Recommended Forms – Prel. Doc. No 2B (revised) of August 2010</li> </ul>
<b>Implementation tools (Convention):</b>	<ul style="list-style-type: none"> <li>Implementation Checklist</li> </ul>
<b>Country Profiles (Convention):</b>	<ul style="list-style-type: none"> <li>Prel. Doc. No 3 (final) of September 2011</li> <li>e-Country Profiles</li> </ul>
<b>Practical Handbooks:</b>	<ul style="list-style-type: none"> <li>Practical Handbook for Caseworkers under the 2007 Child Support Convention</li> <li>Practical Handbook for Competent Authorities: The 2007 Hague Child Support Convention, the 2007 Hague Protocol on Applicable Law (Maintenance) and the 2009 European Union Maintenance Regulation</li> </ul>
<b>iSupport Project:</b>	<ul style="list-style-type: none"> <li>Electronic case management and secure communication system</li> </ul>

Full text

Status table

Authorities

1956 New York Convention

Preliminary Documents

Country Profiles

Practical operation documents

Questionnaires & Responses

HCCH Publications

Translations

Bibliography

Miscellaneous

iSupport

> Practical Handbook for Caseworkers under the 2007 Child Support Convention



[secretariat@hcch.nl](mailto:secretariat@hcch.nl)

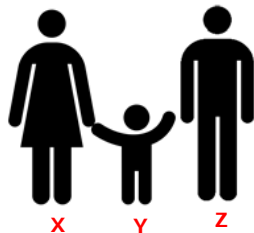


[www.hcch.net](http://www.hcch.net)

# 2007 Maintenance Convention Application for R&E of a Decision

## Contracting State A

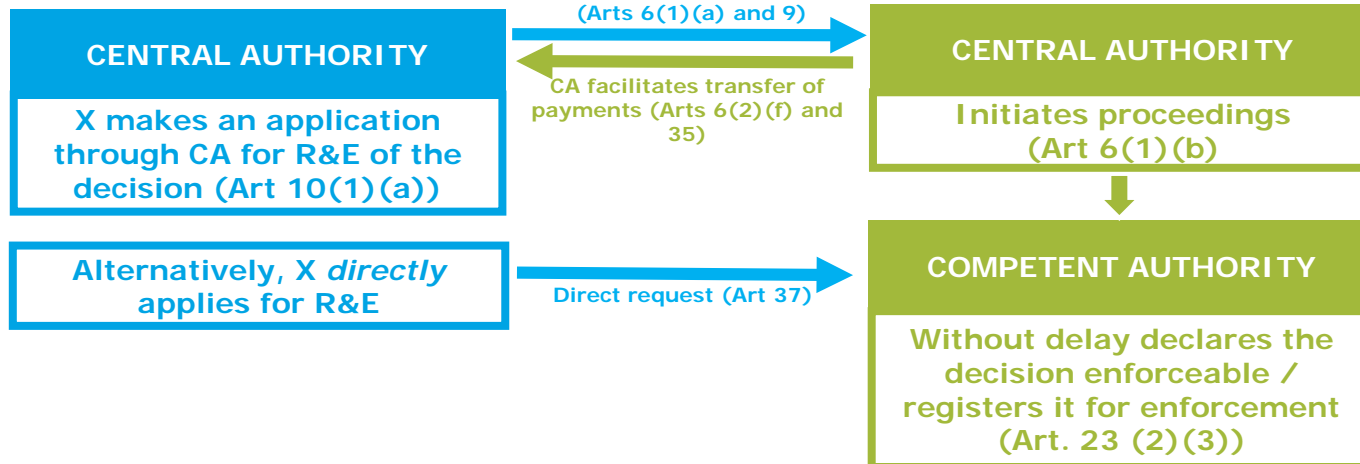
X and Z divorce.  
Court orders Z to pay  
child support for Y.



## Contracting State B



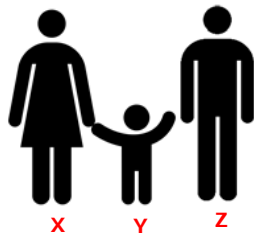
Z relocates  
after divorce.



# 2007 Maintenance Convention

## Establishment of a Maintenance Decision

### Contracting State A

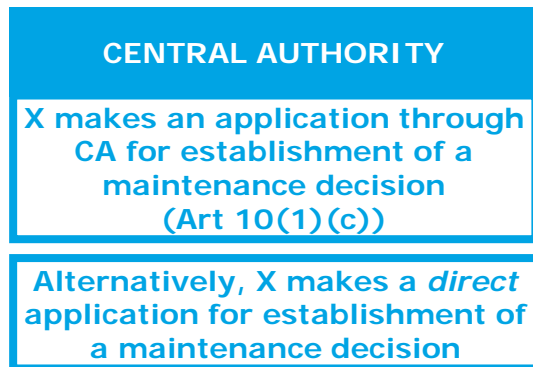


X and Z separate.

### Contracting State B



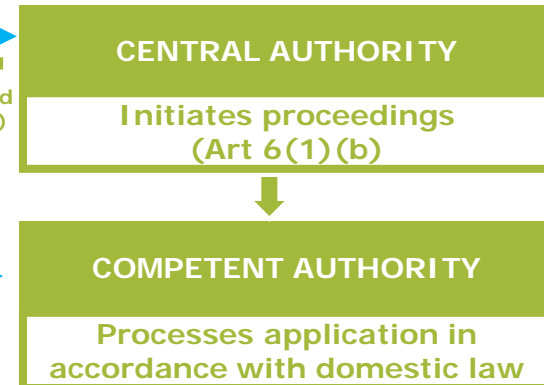
Z relocates after separation.



CA transmits  
(Arts 6(1)(a) and 9)

CA facilitates enforcement and payment (Arts 6(2)(e) and (f) (if any))

Direct request (Art 37)



# 2007 Maintenance Convention

## Types of Application & General Operation

