



Project co-funded by the
CIVIL JUSTICE PROGRAMME
of the EUROPEAN UNION

iSupport

cross-border recovery
of maintenance obligations
*pour le recouvrement
transfrontière des
obligations alimentaires*

iSupport Functional Requirements Working Group (1) – Meeting (6) – 23 February 2015 Meeting

Draft Report of Meeting n°6

List of Participants

Experts	iSupport Team
Natasha BUTLER (France) - substituted Cameron COWPER (Canada) – excused Sâmia CRISTINE FARIAS DE ALBUQUERQUE (Brazil) - substitute Daphne De WIT (The Netherland) Paulo GONCALVES (Portugal) Alisha GRIFFIN (United States of America) Arnaldo JOSÉ ALVES SILVEIRA (Brazil) - substituted Pietari KORTEKANGAS (Finland) Haldi KOIT (Estonia) Tanja NIEMI (Finland) Marketa NOVAKOVA (Czech Republic) Inese PLONE (Latvia) Tobias PLUM (Germany) Marielle RICHERT (France) - substitute Siri RISNES (Norway) Hannah ROOTS (NCSEA)	Philippe LORTIE Brigitte VOERMAN Juliane HIRSCH (Chair) Marie VAUTRAVERS - excused

1. Introduction

1. Brigitte Voerman, iSupport Project Director, welcomed the participants to the sixth meeting of the Functional Requirements Working Group and opened the meeting with a roll-call.

2. Follow-up – Last Meeting

2. No follow up issues were raised.

3. Items for discussion / decision

The use of the Regulation from Annex VI in certain Convention based applications for recognition and enforcement

3. Juliane Hirsch, Legal Consultant to the iSupport Project, referred to a brief note on the matter circulated to the Working Group in advance of the meeting. She explained that the understanding was, that the Central Authority co-operation rules of the EU Regulation would extend to certain Hague Convention based applications between EU Member States. For these applications, namely applications for recognition and enforcement based on the 2007 Hague Convention, the relevant EU forms will have to be used and deadlines and other co-operation rules of the Regulation will replace those of the Convention. She asked in particular the experts from EU Member States for any comments and inquired whether the matter had been raised at the EU meeting on guidance for the Regulation forms.

4. The experts from EU Member States shared this understanding. An expert from Estonia noted that the matter had not been addressed at the first EU forms guidance meeting. An expert from Finland added that she had asked for the topic to be added to the agenda of the second EU forms guidance meeting of 12 March 2015.

Discussions of profiles of access rights

5. Juliane Hirsch referred to a document circulated in advance of the meeting containing two scenarios. The first scenario lists profiles of access rights that can be combined. The second scenario was drawn up under the assumption that the listed profiles are not combinable. She briefly explained the five profiles listed under each scenario. She highlighted that at this stage only an initial discussion of the topic was envisaged, since the following Working Group meetings are likely to influence the question of profiles. She asked the Working Group for any comments and in particular whether the five listed profiles under the second scenario would be considered sufficient.

6. A number of experts, such as experts from Estonia, Latvia and Norway indicated that the five listed profiles under the second scenario would be sufficient to meet the needs of their Central Authorities. It was noted that smaller Central Authorities, which do not need a restriction of access rights could use the profile currently named "manager" under the scenario two. An expert from the Netherlands inquired whether it was possible to grant all six caseworkers of the Dutch Central Authority the same "manager" access rights. Juliane Hirsch confirmed that it would be entirely up to each Central Authority to decide which profiles to use for their caseworkers and that nothing would prevent them from granting all of the caseworkers extensive access rights.

7. An expert from Germany noted that his Central Authority was currently operating with more than five types of "profiles" as concerns the responsibilities. He said that, for example, the tasks of the principal caseworker differed considerably from that of the two assistant caseworkers one of which was also the enforcement caseworker and the other one being involved in accountant work. The manager and the head of the department again had very different responsibilities. On a question of Juliane Hirsch, he clarified that not all the different sets of responsibilities are currently matched with a particular profile of access rights in the German Central Authority's electronic case management system. Philippe Lortie, First Secretary, asked the German expert whether it was thinkable that, for example, the manager and head of the department would use the same profile in iSupport despite having different responsibilities. The German expert indicated that this would be a possible option. He, however, highlighted that internal discussions in advance of this Working Group meeting had brought about the need to have a certain flexibility concerning the profiles in iSupport making their use adjustable to future developments.

8. An expert from the United States of America indicated that for their needs it would have to be possible to predefine access rights in a way that a person having the right to take financial decisions and make transfers would not have the right to edit contact details information e.g., address. She noted that, of course, there could be other ways to include

fraud prevention in this context. For example, the address change could require authorisation from a supervisor *etc.* She stated, however, that it was preferable to address the matter through access rights. An expert from the public body in Finland indicated the same need for his authority's work. Juliane Hirsch noted that addressing this need under the second scenario, *i.e.* the scenario under which profiles could not be combined, would mean that at least one additional profile would be necessary, since the caseworker profile A giving viewing and edition rights to all cases including domestic violence and restricted access cases was currently combined with financial decision related access rights.

9. There was overall agreement in the Working Group with the first proposal on the matter of profiles of access rights. The topic will be revisited in the last Working Group meeting.

iSupport case management – important functionalities

10. Juliane Hirsch directed the attention of the Working Group to a further document that had been prepared for the meeting and explained that the focus of the discussion for the remainder of the meeting would centre on the functional structure of the iSupport case management system. As an initial remark, she emphasised that all sample screens contained in the document were mere examples that would certainly change and that no attention should be paid to aspects of screen design or aesthetics. The focus of the discussion should be on the actual functionality. She also highlighted that any descriptions made in the tender would be result oriented and would leave it up to the programmers to offer solutions to obtain the described functionalities.

11. Juliane Hirsch explained that the structure of the iSupport case management system was majorly influenced by the definition of a case for the purpose of iSupport. She recalled that following comments from the United States of America, meanwhile also supported by Canada, and following internal discussions, the iSupport team had decided to revisit the case definition departing from the original idea that each application would be considered a separate case in iSupport with a separate iSupport number. She noted that as a result of a wider case definition, the screens of the iSupport cases management system will have to be designed "application neutral".

12. Juliane Hirsch commenced the discussion of the general navigation components of iSupport. She recalled that the Working Group had opted for the case and actors based data collection and pointed out that this would be reflected in iSupport in two different areas of the system: a casework area and an actors area. She also noted that easy access to the task list (or workflow list) and to documentation of guidance should be provided in the general navigation. Equally, for those accessing iSupport with a manager profile, the relevant management tools should be part of the general navigation tools.

13. No particular comments were raised by the Working Group.

14. Juliane Hirsch then noted that subject to sufficient funding a customizable navigation including bookmarked screens could be envisaged.

15. As for the navigation between screens, Juliane Hirsch indicated that simple navigational tools were envisaged, for example, through back and forward browser buttons. She further indicated that the goal was to try and keep the number of screens per case to a minimum and avoid unnecessary pop-up windows and other features that would slow down the casework.

16. Juliane Hirsch drew the attention of the group to page two of the document noting that given the differentiation into a casework area and an actors area two pre-set searches were envisaged: one for cases and one for persons and stakeholders. She briefly described the listed items in the search screens, which reflect earlier Working Group discussions.

17. There was overall agreement in the Working Group with the suggested approach. Upon the question of an expert from the United States of America it was clarified that a combined search will be possible and that not all fields will have to have an entry to

effectuate the search. Juliane Hirsch referred to an earlier decision taken by the Working Group in this regard and highlighted that all earlier decisions would make part of the description of the search functionalities in the tender. This equally applied to the wish of the Working Group to address the search difficulties concerning special characters or alphabet differences by using a replacement symbol, such as an interrogation mark or an asterisk.

18. An expert from the Netherlands asked whether it would be possible to add the country issuing the ID or social security number to the search fields. It was noted that in practice it might be rare that there would be a large amount of identical ID or social security numbers so that the additional country entry would in most cases bring little added value. An expert from Estonia stated that ID numbers of Estonia and Lithuania were exactly alike and that it would be important to see them in the context of the country. An expert from NCSEA commented that as long as the results displayed could show a fair amount of information then this concern should be alleviated. She additionally commented that the ability to see both parties' names when looking for a specific case number would be helpful. Juliane Hirsch noted that the search results will need to be clear enough so that a caseworker can at a mere glance identify the corresponding search result out of the listed results.

19. Experts from NCSEA and Estonia indicated that searching by both parties' names would be helpful. Juliane Hirsch noted that this option would have to be added.

20. Juliane Hirsch then turned to the discussion of the structure of the actors area. She remarked that the data collected for natural persons would differ from that of public bodies and other authorities and that different sets of screens would have to be created. She noted that the current proposal would foresee a separate data entry of (1) general information, (2) address information, and (3) payment information. She recalled the particularities of domestic violence and restricted access cases and mentioned that the screens for data entry for natural persons would have to provide for the identification of the data as being under protection. For restricted access cases this could be accomplished, for example, by placing a tick box in the general information section. She noted that for domestic violence cases, where only certain sensitive data, namely the contact and payment details, would be under special protection it would be possible to place the relevant tick box on the screens containing the sensitive data. She noted that this way, access to the general information of the person was possible without seeing the "label" that the case is a domestic violence case. An expert from the United States of America highlighted that it would indeed be important to avoid that cases are prominently labelled as domestic violence cases. The issue should be dealt with in a discrete way. She noted that in their system, the sensitive information would simply be masked for those not having the specific access rights but that in no other way particular attention was drawn to the fact that this was a domestic violence case.

21. There was overall agreement in the Working Group with the suggested approach. An expert from Estonia asked if it would be possible to easily add a field for someone who has ID numbers from different countries. Juliane Hirsch indicated that she would make a note of the need to allow for the entry of ID data of persons with two or more nationalities.

22. Juliane Hirsch then discussed the entry of data relating to public bodies. She noted that due to the fact that the data entry in the actors' area was of a general nature and not linked to a specific case, it was necessary to keep certain public body related information, such as the reference number under which a case was handled as well as the information on the person responsible for a certain case in the case information itself. The only information that might be captured centrally in this regard would be the name of the person that always represents the public body in proceedings if any.

23. Juliane Hirsch turned to the casework area of iSupport. She recalled that at this point it is still undecided whether the abbreviation of the Requested State's name would be part of the functional iSupport number or not. If it would, the caseworker will when opening the case first of all be asked for the entry of the Requested State so that the functional iSupport

number can be created. In the other event, the functional iSupport number can be generated without any data entry.

24. Juliane Hirsch drew the attention of the Working Group to the navigation items currently listed as tabs: Overview, Case Management, Central Authorities, Actors, Decisions / Agreements, Fund Monitor, and Applications. She briefly explained the data editable and / or visible under each of these sections. She highlighted that this was work in progress and that the list of sections was of course not comprehensive. She also noted that the current layout chosen, *i.e.* the form of tabs for each section, was only one option and that it would be left to the programmer to suggest an easy and clearly laid out navigation between the sections.

25. Juliane Hirsch then discussed some of the sections. She indicated that in the Central Authority section the name(s) of the responsible caseworker(s) would be visible. She noted that to simplify the data entry for the Central Authority there should be the ability to choose the caseworker from a list of all caseworkers working at the Central Authority. For the actors' section of the case, she recalled that the actual data entry concerning a certain actor would happen in the actors' area of iSupport and that in the casework area a simple link would be made between the case and the relevant actors. She further explained that the iSupport number will be prominently displayed on all screens of the casework area.

26. An expert from Estonia expressed concerns that there was no birth name field for a debtor. Juliane Hirsch noted that this field should be added. The expert from Estonia also asked if it would be possible to have the actor's role in a case (debtor, creditor, *etc.*) displayed in the search results of a person search. Juliane Hirsch commented that displaying roles in the search results could be problematic since the roles are case-linked and in theory an individual might have different roles in different cases; for example a person could in once case be a debtor and a creditor in another case.

27. Juliane Hirsch then explained the case management section and noted that here the status of a case could be displayed and edited. Furthermore basic information about when a case was opened, closed or archived could be visible here. The information on who had last worked the case and when, could be made available here too. She recalled that it had been decided to make this information only available "on demand", *i.e.* by clicking on a relevant field. She further noted that the case management section would also be the place where all running deadlines concerning the case would be visible and where the caseworker could add new deadlines. Finally, she explained that the case notes discussed in an earlier Working Group meeting could also have their place in the case management section. She took the occasion to report that the Data Protection Working Group had meanwhile addressed the question whether notes in iSupport once saved could be edited or deleted. The Data Protection Working Group had for data protection reasons unanimously rejected the option of modification of case notes. The Data Protection Working Group had also indicated that there would be concerns if iSupport should contain two sorts of notes, one for official record keeping and one for the personal use of the caseworker only, since there was a risk that the rules on the official note keeping would be circumvented. There were no comments by the Working Group.

28. Juliane Hirsch then discussed the decisions and agreements section and indicated that the relevant screens need to be neutral as concerns the basis for the maintenance claim, be it a decision, court settlement, authentic instrument or, in some Hague Convention cases, a maintenance arrangement. She commented that the example designed was not too pleasing at this point, but the objective of the screen samples was to show the ability to enter very detailed information that corresponds to all items on the Regulation and Convention forms.

29. An expert from Estonia stated that there needs to be a way to link modified decisions and appeals to the original establishment decision. Philippe Lortie noted that the Convention does not consider appeals as modification decisions *per se*, but that it would be possible to make certain that first instance appeal and last instance appeal are displayed on these screens. Upon a further question he referred to the mock-up iSupport screens of

2006 and reassured the experts that a way will be found to clearly display the decision history.

30. An expert from Finland inquired how cases where spousal maintenance, divorce, child support, etc. are all part the same decision could be adequately marked in the system. She also asked how adjustments or indexations would be entered. Philippe Lortie and Juliane Hirsch recalled that the screens are merely examples of draft screens and that the final iSupport screens will allow for the entry of all relevant information replicating all fields of data entry in both the Regulation and the Convention forms.

31. Juliane Hirsch then discussed the applications section and made the link with the topic discussed in the beginning of the meeting: Certain Hague Convention based applications will, between EU Member States, have to be made in the form of EU Regulation applications. She noted that it will have to be decided whether to deal with these applications as "Regulation" applications in iSupport since the Regulation Central Authority co-operation rules apply or whether these applications will simply have a special treatment among other "Convention cases". She stated that some more thought will have to be given to this matter.

32. An expert from Estonia suggested adding a third field where the application of the Regulation Central Authority co-operation rules could be chosen. She also drew attention to the fact that the extension of the Regulation co-operation rules would comprise applications for recognition and enforcement between EU Member States based on other instruments. Juliane Hirsch agreed that there will have to be a simple way for a caseworker to choose from appropriate dropdown menus. She recalled that once the categories would be chosen by the caseworker, the system would provide the appropriate application form.

33. An expert from Estonia commented that she would currently not see the option to make a request for a specific measure and suggested to add this in the application section. Juliane Hirsch noted that she had hesitated to add the request for specific measures, not being an "application" *per se*, under the section named "application" but agreed that a practical solution would have to be found to allow to choose in one space of the system between different types of applications and a request for specific measures.

34. Since there were no further comments, Juliane Hirsch suggested using the remaining minutes of the meeting to collect ideas on items and sections that are still missing.

35. An expert from Portugal noted that a further important section was a section listing all messages exchanged on the case. He added that it would be good if the full history of messages could be extracted in a PDF and printed. On a question of Juliane Hirsch, he specified that it would be good to have the possibility to extract all relevant case information in a PDF. He explained that in Portugal a full copy of large parts of the file had to be sent to the court. The electronic case management system should provide for the option to easily extract the relevant data. Juliane Hirsch confirmed that there would be an area dedicated to messages on the case. She added that the way iSupport will be constructed, message will be case-linked, *i.e.* always be sent to the case and not to a specific person. The responsible caseworker will be informed that a new message has arrived for the case but will not be the addressee of the message itself. She noted the need expressed by the expert from Portugal to easily extract the essential case information in a PDF.

36. An expert from Finland indicated that it would be helpful to have a screen where all cases in relation to a certain other country could be listed; this would be particularly useful for bilateral discussions. Juliane Hirsch stated that the case search option could be used to produce such a list if only the Requested State would be entered as search criteria. An expert from NCSEA noted that the management reports should also be able to display such a list and that through these reports cases could be filtered in a number of ways. Juliane Hirsch agreed that the matter could indeed be addressed through the producing individual statistics. Philippe Lortie noted that the Working Group should avoid going into too much detail at this point concerning statistics since this topic will be addressed at a later stage. An expert from Estonia inquired if the number of matching

results could be displayed when a search was conducted. Brigitte Voerman explained that this should not be a problem.

37. Juliane Hirsch asked the group for further matters that will need to be covered and for other items a caseworker will need to be able to easily see in the iSupport system, beyond messages and overview of funds. She noted that transfer of funds was a separate matter that would be discussed later.

38. An expert from Estonia noted that the time of expiration of maintenance debts would be something that should easily be visible. Juliane Hirsch asked if it would be better for that information to be available on the funds monitor page or the decisions page. The expert from Estonia responded that she did not know where it would be best, but that it needs to be readily available.

39. An expert from the United States of America noted that an extensive section allowing the caseworker to track information about enforcement activities in each case would be needed. Philippe Lortie explained that a section on the enforcement status would of course be added and that all information found in the Convention status report forms would have an equivalent field in iSupport. The expert from the United States noted that there is a need to include country specific enforcement information. Knowing that there is a great deal of variability amongst legal systems on how cases are enforced this might be done through free text field notes. She stated she would try to write something on the matter and send it to the iSupport team.

4. Other Items for Discussion

40. Juliane Hirsch asked if there were any topics that members of the Working Group would like to see raised at the next meeting. No topics were raised. Juliane Hirsch reminded the participants that they could always write to the iSupport team concerning topics to discuss.

5. Next videoconference – 2 March 2015, 15h00 UTC (16h00 ETC)

41. Juliane Hirsch reminded the experts that the next meeting will take place on 2 March at 15h00 UTC (16h00 ETC). She thanked all the experts for their very useful contributions and comments. Brigitte Voerman closed the meeting at 17h30 ETC.