

Title	Draft Guidance to complete the Mandatory and Recommended Forms under the 2007 Child Support Convention
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Objective	To seek comments from Members and Contracting Parties by 25 September 2020 . Members and Central Authorities are invited to focus on the track changes reflecting the updates made since the first circulation of the English version (only) of the document on 23 April 2020. An amended version will then be re-circulated, in both English and French, to be submitted to the SC in December for approval.
Action to be taken	For Approval <input type="checkbox"/> For Decision <input type="checkbox"/> For Information <input type="checkbox"/> For Discussion <input checked="" type="checkbox"/>
Annex	N.A.
Related documents	<ul style="list-style-type: none"> – Annexes I and II of the 2007 Child Support Convention – Prel. Doc. No 2B of August 2010 (revised) – Forms Working Group, Recommended Forms – Prel. Doc. No 9 of July 2020 (revised) – Request for Specific Measures & Response (Art. 7(1))

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I. Introduction

1. This document provides assistance for completing the two mandatory and nine recommended forms under the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (“the Convention”). It is based on the requirements in Article 11 of the Convention, the Forms Working Group Reports¹ for the attention of the SC charged with the development of the Convention, Preliminary Document No 2A of July 2009² and the *Practical Handbook for Caseworkers under the 2007 Hague Child Support Convention*.³
2. The detailed approach taken in this document is a first step towards developing user-friendly instructions and tips, which ultimately could take the form of bubble comments or mouse-over instructions for caseworkers when completing forms in iSupport and for applicants or their representatives when completing online dynamic fillable forms.⁴ This document also provides guidance to public bodies.⁵

A. Model Forms – Model Guidance

3. Model forms help developing uniform procedures. They foster predictability and certainty for applicants and authorities, leading to faster and cheaper service and a reduction in translation costs. They also allow Central Authorities to communicate more easily with each other.⁶ Model forms results in model guidance. Hence, it is on purpose that the following guidance is repetitive. Variations are made only when the forms differ.

B. Features Common to All Forms

4. The two mandatory forms are:
 - Transmittal Form; and
 - Acknowledgement Form.
5. The nine recommended forms are:
 - Status of Application Report;
 - Application for Recognition or Recognition and Enforcement;

¹ See “Report of the Forms Working Group of the Special Commission on the International Recovery of Child Support and other Forms of Family Maintenance”, Prel. Doc. No 17 of May 2006 drawn up for the attention of the Special Commission of June 2006 on the International Recovery of Child Support and other Forms of Family Maintenance, and “Report of the Forms Working Group - Report & Recommended Forms”, Prel. Doc. No 31 of July 2007 drawn up for the attention of the Twenty-First Session of November 2007, both available on the HCCH website < www.hcch.net > under “Child Support” section then “Preliminary Documents”.

² “Forms Working Group Report”, coordinated by the Permanent Bureau, Prel. Doc. No 2A of July 2009 for the attention of the Special Commission of November 2009 on the implementation of the 2007 Child Support Convention and of the 2007 Protocol on the Law Applicable to Maintenance Obligations (hereinafter, “Prel. Doc. No 2A”), available on the HCCH website < www.hcch.net > under “Child Support” section then “Special Commission meetings”.

³ Permanent Bureau of the Hague Conference on Private International Law, *Practical Handbook for Caseworkers under the 2007 Child Support Convention*, 2013 (hereinafter, the “Practical Handbook”), available on the HCCH website < www.hcch.net > under “Child Support” section then “HCCH Publications”.

⁴ The First Meeting of the SC will discuss the use of dynamic forms (available on the HCCH website to be completed online, printed and sent by registered mail). See Annex II, item 7.7, of “Planning for the First Meeting of the Special Commission”, Permanent Bureau, Prel. Doc. No 3 of March 2020 for the attention of the First Meeting of the December 2020 SC on the practical operation of the 2007 Child Support Convention and of the 2007 Protocol on the Law Applicable to Maintenance Obligations (see path indicated in note 2 above).

⁵ Public bodies act as “creditors” (Art. 36) for the purposes of applications for recognition and enforcement under Art. 10(1) a) and b) and cases covered by Art. 20(4). Public bodies can also make requests for specific measures under Art. 7.

⁶ *Explanatory Report on the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance*, drawn up by Alegría Borrás and Jennifer Degeling with the assistance of William Duncan and Philippe Lortie (hereinafter, “Explanatory Report”), para. 281 (see path indicated in note 3 above).

- Abstract of a Decision;
- Statement of Enforceability of a Decision;
- Statement of Proper Notice;
- Application for Enforcement of a Decision;
- Application for Establishment of a Decision;
- Application for Modification of a Decision; and
- Financial Circumstances Form.

6. Article 11(1) lists the information that must be included, as a minimum, in all applications. This Providing this information addresses State concerns about difficulties in processing incomplete applications. The recommended forms must include the mandatory information in Article 11(1).

7. In addition to these requirements, both the mandatory and recommended forms have common features, some of which are required by the Convention.⁷ These include:

- A “Confidentiality and Personal Data Protection Notice” that follows the text of Articles 38 (Protection of personal data), 39 (Confidentiality) and 40 (Non-disclosure of information).
- A section to provide contact details of the Central Authority.
- A file reference number as well as the names of the applicant, the person(s) for whom maintenance is sought or payable, and the debtor. The name of the respondent must also be included and, if the respondent is the debtor and if known, the address and date of birth of the respondent.
- The name of the authorised representative of the Central Authority processing the form,⁸ along with the date when the form is completed.

C. Country Profile

8. All Contracting States must provide information about their laws, procedures and services to the Permanent Bureau of the HCCH by the time its instrument of ratification or accession is deposited or a declaration is submitted in accordance with Article 61 of the Convention.⁹ Most States will do this using a Country Profile.¹⁰ The Country Profile provides information about State-specific requirements for the application, such as information or documents specified in a declaration made by that State.¹¹ This is especially useful for the Applications for Establishment and Modification, and the Financial Circumstances Form, because the documents and information requirements for these forms are governed by the domestic law of the requested State.

D. Language Neutral

9. Model forms facilitate processes involving different languages. For example, the use of “tick-boxes” allow a form completed in one language to be easily read in another. “Open-text” answers are limited as much as possible, and possible and are used mainly for contact details such as names or numbers which do not require translation. This design means that a form which has been completed in French, for example, can be read in Spanish without the need for translation.¹²

⁷ See Prel. Doc. No 2A, p. 7.

⁸ ~~See Art. 11(1)(h).~~

⁹ Art. 57.

¹⁰ Art. 52(2); see Explanatory Report, para. 686.

¹¹ See Arts 11(1)(g) and 63.

¹² Explanatory Report, para. 529.

10. The application and the documents accompanying the application (including the decision) must be in their original language.¹³ A translation of the application (and related documents) into an official language of the requested State must also be included.¹⁴

¹³ Art. 44.

¹⁴ Unless the competent authority of the requested State (the administrative or judicial authority processing the application) has indicated that it does not require a translation. The requested State may also make a declaration that a language other than an official language of the requested State can to be used for applications and related documents. Where there are territorial units in a State (*e.g.*, provinces or states) and there is more than one official language, or where a State has several official languages that may be used in different parts of its territory, the Contracting State may also make a declaration specifying which language is to be used for any specific territorial unit. [The Country Profile is a useful source of information in relation to language requirements.](#)

II. Transmittal Form (Art. 12(2))

11. The Transmittal Form is one of two mandatory forms that must accompany all applications under the Convention.¹⁵ It includes the minimum information required in an application¹⁶ and lists all the documents attached to the application and sent to the requested Central Authority. This form will also indicate the remedy being sought.

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of the applicant.	Tick the box at the beginning of the form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.	- <u>If the applicant has indicated a concern about disclosure to the Central Authority of the requesting State, this concern should be taken into account by the Central Authority of the requested State when completing Forms. The applicant should be asked if he or she has concerns about disclosure.</u>	The Convention - Arts 38, 39 & 40 Explanatory Report - Para. 286 - Paras 605-613 Practical Handbook for Caseworkers - Paras 118-119 - Paras 205-211 - Paras 346-348 - Paras 971-973
Section 1 (a)-(e)	Information of the Requesting Central Authority	This <u>section general information</u> identifies the Central Authority of the requesting State (the State sending the application) and the file number for follow-up purposes.	<u>Complete t</u> his section should be filled out with general contact information for the Central Authority of the requesting State and, under (e), the file number linked to the application.	- Under (e), make sure to include the file number of the Central Authority of the requesting State. Other numbers (<u>e.g. for example</u> — the iSupport number) can be included here as well.	Practical Handbook for Caseworkers - Para. 974

¹⁵ See Art. 12(2), and Annex I of the Convention.

¹⁶ The information concerning where the maintenance payment should be sent or electronically transmitted will appear in the specific application attached to the transmittal form (Art. 11(1)(f)).

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 2 (a)-(e)	Information of the contact person in the requesting State	This section information provides the name and contact details of the person or unit from the Central Authority, <u>or a public body or competent authority</u> , of the requesting State (the State sending the application) who is responsible for the application and who can be contacted for follow-up purposes.	<u>Complete this</u> section should be filled out with information about the person to be contacted once the requested State has received the application. The information included in this section will be used by the Central Authority of the requested State for future communication. This person may be different from the person who fills out the Form.	<p>—The Contact Person should be someone at the Central Authority or at the authority where the application is being processed (<i>i.e.</i>, the public body or competent authority).</p> <p>- Check the Country Profile to confirm the language of the requested State. In most cases, this will be the language of communication of the case.</p> <p>- Under (e), include the language if this is important for case <u>communication—management purposes</u>.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1)(h) - Art. 12(5)(a) - Art. 44(3) - Art. 62(1) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 303-304 - Paras 335-336 - Paras 630-631 - Paras 710-711 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 192-198 - Paras 425-430 - Para. 974
Section 3	Address of the requested Central Authority	This section should be filled out with information about the Central Authority of the requested State (the State receiving the application).	This information can be found on the HCCH list of Central Authorities .		<p>The Convention</p> <ul style="list-style-type: none"> - Art. 4(3) - Art. 57 <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 92-94 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 81-84 - Para. 975

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 4	Particulars of the applicant	The applicant is the person making the application. This may be a creditor, the legal representative of the creditor or child , a public body, or a debtor, <u>or the representative of the debtor.</u>	The information in this section is used to identify the applicant. This may or may not be the same as the contact person. <u>Provide the Name-name and date of birth of the applicant creditor or debtor as they are the most widely used forms of identification. A date of birth does not need to be provided if the applicant is a representative of the creditor or debtor.</u>	<ul style="list-style-type: none"> - <u>Certain applications are only available to certain applicants. For example, a public body may only make an application for recognition, recognition and enforcement, or establishment (where an existing decision could not be recognised).</u> - If the child is the applicant, the name of the custodial parent should be written under the "other information" section of the <u>accompanying</u> Form. - Try to distinguish family name(s) and given name(s). This helps in cases that include compound family names (<i>i.e.</i>, a double surname). For example, "Andrew Lloyd Webber" where "Lloyd Webber" is the surname, or "Juan Pablo García" where the given name is "Juan Pablo". 	The Convention <ul style="list-style-type: none"> - Art. 11(1)(b) - Art. 36 Explanatory Report <ul style="list-style-type: none"> - Para. 235 - Paras 290-293 - Paras 588-599 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 69-71 - Paras 122-125 - Paras 176-182 - Para. 349 - Para. 976

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 5	Particulars of the person(s) for whom maintenance is sought <u>or is payable</u>	This information is about the person who is seeking to receive maintenance payments or to <u>whom maintenance is payable</u> (i.e., the creditor).	<p>Tick the box under (a) if the applicant is the person <u>for whom seeking-maintenance is sought or is payable</u>.</p> <p>Complete the information in (b) if the applicant is a different person. For example, <u>the applicant may be the parent who is seeking maintenance this is common when a parent is applying</u> on behalf of their children.</p>	<ul style="list-style-type: none"> - If there are multiple persons <u>to whom seeking-maintenance is sought or is payable</u>, provide the details of each person <u>for whom maintenance is sought</u>. - <u>States will vary in how they complete this section, based on domestic law and procedures. In some States, the person to whom maintenance is sought or is payable is the child. In other States, the person to whom maintenance is sought or is payable is the caregiver parent.</u> - Make sure to include the date of birth for all children. This helps the Central Authority to determine whether the Convention applies to them, i.e., whether they are under the age of 21, or 18 (depending on the <u>law of the requested State country</u>). 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 3(a) - Art. 11(1)(d) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 296 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 85-87 - Para. 345 - Para. 977
Section 6	Particulars of the debtor	This information is about the person who <u>owes or is alleged to owe</u> would be making the maintenance payments.	<p>Tick the box under (a) if the applicant is the person who <u>owes or is alleged to owe</u> would pay maintenance <u>is the same person as the applicant</u>.</p> <p>Complete the information under (b)-(d) if the applicant is a different person.</p>	<ul style="list-style-type: none"> - The information in this section is basic. Additional information about the debtor will be included in the attached Financial Circumstances Form and the Application Form. 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 3(b) - Art. 11(1)(b) & (c) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 290-295 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 88-89 - Paras 978-979

Section 7	Accompanying application	This indicates the application that is being made.	<p>Tick the box which indicates the application being made.</p> <p>If the applicant is a creditor, the options are:</p> <ul style="list-style-type: none"> - Art. 10(1)(a): recognition or recognition and enforcement. - Art. 10(1)(b): enforcement. - Art. 10(1)(c): establishment where there is no existing decision. - Art. 10(1)(d): establishment where there is an existing decision but recognition and enforcement is not possible or has been refused. - Art. 10(1)(e): modification of decision made in the requested State. - Art. 10(1)(f): modification of decision made in another State. <p>If the applicant is a debtor, the options are:</p> <ul style="list-style-type: none"> - Art. 10(2)(a): recognition. - Art. 10(2)(b): modification of decision made in the requested State. - Art. 10(2)(c): modification of decision made in another State. <p><u>If the applicant is a public body, the options are:</u></p> <ul style="list-style-type: none"> - <u>Art. 10(1)(a): recognition or recognition and enforcement.</u> - <u>Art. 10(1)(b): enforcement.</u> - <u>Art. 20(4): establishment where there is an existing decision but recognition and</u> 	-	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 10(1) & (2) - <u>Art. 11(1)(a)</u> - <u>Art. 36.</u> <p>Explanatory Report</p> <ul style="list-style-type: none"> - <u>Para. 289</u> - <u>Paras 588-598</u> <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - <u>Paras 122-125</u> - Para. 980
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
			<u>enforcement is not possible or has been refused.</u>		

Section 8	Documents included with the application	This is a list of all the documents that may be included in support of the application.	<p>Tick the boxes under (a) for all the documents that are being attached to the application. Section 8(a) applies to applications for recognition, or recognition and enforcement, where the creditor is the applicant. <u>Tick the boxes under (a) for all the documents that are attached to the application.</u> In these applications: The following must be included:</p> <ul style="list-style-type: none"> - the <u>complete text of the decision, unless the requested State will accept an abstract or extract in lieu of the complete text</u> (the first box); - a document stating the decision is enforceable <u>in the State of origin</u> (Statement of Enforceability) (the third box); and - if the respondent did not appear or was not represented <u>in the State of origin</u>, proof they <u>the respondent</u> had notice <u>and an opportunity to be heard or to challenge</u> (Statement of Proper Notice) (the fourth box). <p>If the application concerns a maintenance arrangement (not a decision), include:</p> <ul style="list-style-type: none"> - the maintenance arrangement (the eighth box); and - a document stating the arrangement is enforceable (the ninth box). <p>Complete the information under (b) if the application is for</p>	<p>- This section helps the Central Authorities track which documents have been attached to an application.</p> <p>- <u>It would be useful to attach a list of any additional documents, aside from the mandatory documents, to the Form.</u></p> <p>- Check the Country Profile, <u>Part II(1)(c)</u>, to see if the requested State <u>will accept an abstract in lieu of the complete text of the decision.</u></p> <p>- <u>Check the Country Profile, Part II, to see if the requested State</u> requires any other information <u>or documents</u> to <u>accompany</u> be included in the application.</p> <p>- In the case of a decision by an administrative authority, the statement of enforceability should be a document stating that the requirements of Article 19(3) are met unless the State or origin has specified in accordance with Article 57 that decisions of its administrative authorities always meet those requirements.</p> <p>- <u>If costs and expenses are included, include a document setting out the nature of the costs and expenses and how they have been calculated.</u></p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1) g), (2)(a), (b) & (3) - Art. 12(1) - Art. 25(1) - Art. 30(3) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 300-302 - Paras 305-309 - Paras 311-314 - Paras 319-320 - Paras 526-537 - Paras 551-554 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 283-286 - Paras 981-983 - Paras 1135-1138
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
			anything other than recognition or recognition and enforcement under Art. 10(1)(a). Tick the box , and box and write the number of documents that are attached on the dotted line.		
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority must enter write his or her name, and date the Form.	<ul style="list-style-type: none"> - The Form does not need to be signed. - The “Authorised representative of the Central Authority” in this section is the person who completes the form. This may be is usually the same as the “Contact person” in Section 2. The applicant does not need to complete this section. 	The Convention <ul style="list-style-type: none"> - Art. 11(1)(h)-h) - Art. 12(2) Explanatory Report <ul style="list-style-type: none"> - Paras 303-304 - Paras 322-326 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 203-204 - Para. 984

III. Acknowledgement Form (Art. 12(3))

12. The Acknowledgment Form is the second of two mandatory forms that must be used for applications under the Convention. It follows the same model as the Transmittal Form. This form is used by the requested Central Authority to let the requesting Central Authority know they have received the application. It must be sent within six weeks of the date of the application being received.¹⁷

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of a child, the applicant, the respondent, or any other person.	Tick the box at the beginning of the form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.	<ul style="list-style-type: none"> - If the applicant has indicated a concern about disclosure to the Central Authority of the requesting State, this concern should be taken into account by the Central Authority of the requested State when completing Forms. - In addition to any concerns regarding the applicant <u>or child</u>, ensure that any concerns relating to the respondent's health, safety, or liberty are also considered. 	The Convention - Arts 38, 39 & 40 Explanatory Report - Para. 286 - Paras 605-613 Practical Handbook for Caseworkers - Paras 118-119 - Paras 205-211 - Paras 346-348 - Para. 986
Section 1 (a)-(e)	Information of the requested Central Authority	This section-general information identifies the Central Authority of the requested State (the State that received the application, and is acknowledging its receipt) and the file number for follow-up purposes.	Complete it This section should be filled-out with general contact information about the Central Authority of the requested State and, under (e), the file number linked to the application.	<ul style="list-style-type: none"> - Under (e), make sure to include the file number of the Central Authority of the requested State. Other numbers (<i>e.g.</i> the iSupport number) can be included here as well. 	Practical Handbook for Caseworkers - Para. 987

¹⁷ Art. 12(3).

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 2 (a)-(e)	Information of the contact person in the requested State	This section information provides the name and contact details of the person or unit from the Central Authority, <u>or a public body or competent authority</u> , of the requested State (the State that received the application, and is acknowledging its receipt) who is responsible for the application and who can be contacted for follow-up purposes.	<u>Complete it</u> This section should be filled out with information about the person who is responsible for the application. The information included in this section may be used by the Central Authority of the requesting State for future communication. This person may be different <u>from</u> to the person who fills out the Form.	<p>—The Contact Person should be someone at the Central Authority <u>or at the authority where the application will be processed (i.e., the public body or competent authority)</u>. If the case will be forwarded to a competent authority for processing, the Contact person should be someone at the competent authority.</p> <p>- Under (e), include the language if this is important for <u>communication</u> case management purposes.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 12(3) & (5)(a) - Art. 44(3) - Art. 62(1) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 329-330 - Paras 335-336 - Paras 630-631 - Paras 710-711 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 192-198 - Paras 425-430 - Para. 987
Section 3	Address of the requesting Central Authority	This section should be filled out with information about the Central Authority of the requesting State (the State who <u>that</u> sent the application).	Use the information from the incoming application to complete this section.	-	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 4(3) - Art. 57 <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 92-94 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 81-84 - Para. 988

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 4	Details of the application	This section indicates what the requested State (the State that received the application, and is acknowledging its receipt) received from the requesting State (the State that ^{who} sent the application).	<p>The information in this section, excluding the date of receipt, can be completed using the incoming Transmittal Form.</p> <p>Tick the box which indicates the application that is being made.</p>	<ul style="list-style-type: none"> - The file number will be the same as the one appearing under Section 1(e) of the Transmittal Form. - The tick-boxes correspond with Section 7 of the incoming application. - The family name of the applicant, the person who is seeking maintenance, and the debtor, are all available in the incoming application. This is used to verify that both States have the same, correct information. - The date of receipt will be the date the application was received processed by the requested Central Authority. It is important that this date is correct, as there are time limits in the Convention that must be followed. 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 10(1) & (2) <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 980 - Paras 989-990

Section 5	Initial steps taken by the requested Central Authority	<p>This section provides an update to the requesting State (the State who that sent the application) about the progress steps that have been taken by the requested State (the State that received the application) of the application.</p>	<p>Tick the box that applies to the application.</p> <p>In most cases, tick only one box:- Either the file is complete, the application needs more information, or the application is refused.</p> <p>If more information or more documents are needed to process the application, identify the required documents on the lines provided.</p>	<ul style="list-style-type: none"> - In some cases, it may be possible to process the file even though more documentation is needed. If this is the case, more than one boxes may be ticked. - A Status Report can be sent at the same time if there is additional information that needs to be shared with the requesting Central Authority (because that Form provides more detail). - The <u>Central Authority in the requested State can refuse</u> decide not to process an application <i>only if</i> it is obvious the requirements of an application have not been fulfilled. If this is the case, the requested Central Authority must inform the requesting Central Authority as soon as possible. - If more information or documents are required, there is an option to send a second Acknowledgement Form at a later date, when the requested additional information is received, to confirm the file is complete. However, we recommend sending a Status of Application Report <u>when the requested additional information or documents are received</u> instead. This practice will depend on the policies of the organisation. 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 12(3), (4), (8) & (9) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 327-328 - Paras 331-332 - Paras 344-350 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 383-388 - Paras 394-396 - Paras 426-427 - Paras 991-992
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority must <u>enter</u> write his or her name, and date the Form.	<ul style="list-style-type: none"> - The Form does not need to be signed. - The “Authorised representative of the Central Authority” in this section is the person who completes the form. This <u>may</u> beis usually the same as the “Contact person” in Section 2. 	The Convention - Art. 12(3) Practical Handbook for Caseworkers - Paras 203-204 - Para. 993

IV. Status of Application Report (Art. 12)

13. The Status of Application Report is a recommended form that can be used to respond to an application for recognition or recognition and enforcement (made under Articles 10(1)(a), (2)(a) or 30), enforcement (made under Art. 10(1)(b)), establishment (made under Art. 10(1)(c) or (d)), or modification (made under Art. 10(1)(e), (f), (2)(b) or (c)). It is designed to give an update to the requesting State about the progress of the application in the requested State. It should be used to provide regular reports as the case develops.

14. Each application will require slightly different information, so there are four versions of this recommended form to match the application that has been received. While different, each Report follows the same structure. The first section of this Part covers the common sections of the Status of Application Report, followed by a summary of the provision specific to each type of Status Report.

A. Common Provisions

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of a child, the applicant, the respondent, or any other person.	<p>Tick the box at the beginning of the form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.</p> <p><u>The requested Central Authority should independently consider whether Article 40 applies.</u></p>	<ul style="list-style-type: none"> - If the applicant has indicated a concern about disclosure to the Central Authority of the requesting State, this concern should be taken into account by the Central Authority of the requested State when completing the Form. - <u>In addition to any concerns regarding the applicant or child, ensure that any concerns relating to the respondent's health, safety, or liberty are also considered.</u> 	<p>The Convention</p> <ul style="list-style-type: none"> - Arts 38, 39 & 40 <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 286 - Paras 605-613 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 118-119 - Paras 205-211 - Paras 346-348

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 1 (a)-(e)	Information of the requested Central Authority	This section identifies the Central Authority in the requested State (the State that received is managing the application) and the file number for follow-up purposes.	Complete this section should be filled out with general contact information about the Central Authority of the requested State, and under (e), the file number linked to the application.	<ul style="list-style-type: none"> - This information should be the same as Section 1 on the Acknowledgement Form. - Under (e), make sure to include the file number of the Central Authority of the requested State. Other numbers (e.g., the iSupport number) can be included here as well. 	
Section 2 (a)-(e)	Information of the contact person in the requested State	This information-section provides the name and contact details of the person or unit from in the Central <u>Authority, or a public body or</u> competent authority of the requested State (the State that received is responsible for managing the application) <u>who is responsible for the application</u> and who can be contacted for follow-up purposes.	Complete this section should be filled out with information about the person who is responsible for managing the application. The information included in this section may be used by the <u>Central Authority of the requesting</u> other State for future communication. This person may be different from to the person who fills out the Form.	<ul style="list-style-type: none"> - This information should be the same as Section 2 on the Acknowledgement Form unless the file has been forwarded to another person in the Central Authority, <u>public body, or to a</u> competent authority <u>of the requested State</u>. - Under (e), include the language if this is important for case communicationmanagement purposes. 	The Convention <ul style="list-style-type: none"> - Art. 12(3) & (5)(a) - Art. 44(3) - Art. 62(1) Explanatory Report <ul style="list-style-type: none"> - Paras 329-330 - Paras 335-336 - Paras 630-631 - Paras 710-711 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 192-198 - Paras 425-430
Report Date	Information on the Report Date	The Status Report can be used to report on initial steps, or to provide updates about the case. Indicating whether this is a first report or a later report helps the requesting State update to keep its records updated .	Tick the box to indicate if this is the first report that the requested State has provided, or if it is a subsequent report. If it is a subsequent report, include the date of the <i>last</i> report.	<ul style="list-style-type: none"> - It is important to include the date of the last report. This is not the date of the current report. 	Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 1133-1134

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 3 (a)-(d)	File identification including details of parties	This section identifies which application the report is about.	Complete this section should be filled out with information about the <u>individual applicant or public body, the person for whom support is sought or is payable, and the debtor persons included in the application</u> . This information can be based on the Application Form or the Transmittal Form.	- Take care to ensure that the information in this section matches the Transmittal Form and the Application Form. This will make sure there is no confusion about the application being considered.	
Section 4	Status of the application	This section reports on what has happened with the application in the requested State. This section will look different depending on the application.	Tick the boxes that reflect the current stage of the application and include the relevant dates.	- If this is a subsequent report, some of the information in this section may have already been given to the requesting State. Do not repeat information that has already been provided. Provide new information only.	The Convention - Art. 12(5)(b) Explanatory Report - Para. 338
Section 5	Steps taken in the past	This section reports on the steps that the requested State has already taken.	Tick the boxes for each step that has been taken by the requested State. Only include steps taken since the last report was provided.	- Use the tick boxes should be used as much as possible. If there is any other information, <u>include</u> it can be included in the final tick box "other".	
Section 6	Steps being taken in the present	This section reports on the steps that the requested State is currently taking.	Tick the boxes for each step that the requested State is currently taking. If enforcement action has been initiated in the past and is still ongoing, <u>include</u> this information should be included here.	- Use the tick boxes should be used as much as possible. If there is any other information, <u>include</u> it can be included in the final tick box "other".	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 7	Steps to be taken in the future	This section reports on the steps that the requested State <u>plans to take</u> is planning on taking in the future.	Tick the boxes for each step that the requested State <u>plans to take</u> is planning on taking in the future.	<ul style="list-style-type: none"> - The tick boxes should be used as much as possible. If there is any other information, <u>include</u> it can be included in the final tick box “other”. - Only include information that has not previously been provided. 	
Section 8	Request for additional information	This section allows the requested State to ask the requesting State for more information or documentation to process the application.	Tick the box if more information or documentation is required. Include an explanation of what is needed.	<ul style="list-style-type: none"> - Even if more information is needed, the requested State should continue to process the application to the extent possible. 	The Convention - Art. 12(9) Explanatory Report - Para. 349 Practical Handbook for Caseworkers - Paras 394-396
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority must <u>enter/write</u> his or her name, and date the Form.	<ul style="list-style-type: none"> - The Form does not need to be signed. - The “Authorised representative of the Central Authority” in this section is the person who completes the form. This <u>may be</u> is usually the same as the “Contact person” in Section 2. 	The Convention - Art. 12(3) Practical Handbook for Caseworkers - Paras 203-204

B. Other Provisions

15. ~~Application for Recognition or Recognition and Enforcement~~ Application for Recognition or Recognition and Enforcement made under Article 10(1)(a), Article 10(2)(a) or Article 30.

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 9	Application refused on public policy grounds	This section is used if the <u>competent authority in the requested State refuses a declaration or registration</u> to consider the application on public policy grounds.	Tick the box if the <u>competent authority refuses a declaration or registration</u> application is being refused because recognition and enforcement of the decision would be manifestly incompatible with the public policy in the requested State.	<ul style="list-style-type: none"> - This <u>tick box specifies the only ground that the competent authority in the requested State may review ex officio the application and refuse a declaration or registration.</u> provision can only be used if it is "manifestly incompatible". Because at this stage neither party can present evidence, the phrase "manifestly incompatible" This means it is clear on the face of the documents that the application is incompatible with the public policy of the requested State. unfounded, — without considering the merits. - <u>It should be rare that this tick box is checked.</u> 	The Convention <ul style="list-style-type: none"> - Art. 22(a) - Art. 23(4) - Art. 24(4) Explanatory Report <ul style="list-style-type: none"> - Para. 478 - Paras 500-501 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 97-99 - Para. 401
Section 10	Challenge or appeal has been lodged	This section is used if the application has been appealed or challenged.	Tick the first box if a challenge or appeal has been lodged. If so, then also tick one of the following boxes with the reason for the challenge or appeal.	-	The Convention <ul style="list-style-type: none"> - Art. 23(5), (6), (7), (8) & (9)

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 11	Application not processed <u>by Central Authority</u>	This section is used if the <u>Central Authority in the</u> requested State's authority has refused to process the application.	<p>Tick the first box if the <u>Central Authority refused to process the application</u>. If so, tick the <u>Section 11(a) box</u> if the application was refused because documentation was not <u>timely</u> provided.</p> <p>Tick <u>the Section 11(b) box</u> the second box if the application was refused because the requirements of the Convention were not met. If there are written reasons, tick the final box and attach the reasons.</p>	<p>- To refuse an application under Section 11(a), the <u>Central Authority in the</u> requested State must have asked the <u>Central Authority in the</u> requesting State for more documents or information and they did not respond within three months.</p>	<p>The Convention</p> <p>- Art. 12(8) & (9)</p> <p>Explanatory Report</p> <p>- Paras 344-347</p> <p>- Para. 350</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 383-386</p>

16. ~~Application for Enforcement~~, Application for Enforcement made under Article 10(1)(b).

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 9	Application not processed <u>by Central Authority</u>	This section is used if <u>the Central Authority in the</u> requested State <u>has refuses-refused</u> to process the application.	<p>Tick the first box if the <u>Central Authority refused to process the application</u>. If so, tick the <u>Section 9(a) box</u> if the application <u>was</u> is <u>being</u> refused because documentation was not <u>timely</u> provided.</p> <p>Tick <u>the Section 9(b) box</u> the second box if the application was refused because the requirements of the Convention were not met. If there are written reasons, tick the final box and attach the reasons.</p>	<p>- To refuse an application under Section 9(a), the <u>Central Authority in the</u> requested State must have asked the <u>Central Authority in the</u> requesting State for more documents or information and they have not responded within three months.</p>	<p>The Convention</p> <p>- Art. 12(8) & (9)</p> <p>Explanatory Report</p> <p>- Paras 344-347</p> <p>- Para. 350</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 383-386</p>

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 10	Enforcement refused for other reasons	This section is used if the <u>competent authority in the requested State</u> <u>has refused</u> to enforce the decision in the application.	<p>Tick the first box if the <u>competent authority refused to enforce the decision</u>.</p> <p><u>If so, tick the appropriate box that identifies the reason for the refusal.—application is being refused because it does not comply with the Convention.</u></p>	<ul style="list-style-type: none"> - <u>Some of t</u>he reasons in this list are all-practical, and cannot be matched to specific Articles in the Convention. - An <u>example of when requirements of the Convention are not fulfilled is when application may be refused, e.g., because the maintenance obligation in the decision</u> falls outside the scope of the Convention as it applies between the two States concerned. 	

17. ~~Application for Establishment of a Decision~~, Application for Establishment of a Decision made under Article 10(1)(c) or Article 10(1)(d).

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 9	Application not processed <u>by</u> <u>Central Authority</u>	This section is used if the <u>Central Authority in the</u> requested State has refuses <u>refused</u> to process the application.	<p>Tick the first box if the <u>Central Authority refused to process the application</u>. If so, tick the <u>Section 9(a) box if the application was is being</u> refused because documentation was not <u>timely</u> provided.</p> <p>Tick <u>the Section 9(b) box</u> the second box if the application was refused because the requirements of the Convention were <u>manifestly</u> not met. If there are written reasons, tick the final box and attach the reasons.</p>	<p>- To refuse an application under Section 9(a), the <u>Central Authority in the</u> requested State must have asked the <u>Central Authority in the</u> requesting State for more documents or information and they have not responded within three months.</p>	<p>The Convention</p> <p>- Art. 12(8) & (9)</p> <p>Explanatory Report</p> <p>- Paras 344-347</p> <p>- Para. 350</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 383-386</p>

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 10	Establishment refused for other reasons	This section is used if the <u>competent authority in the requested State has refused to establish a decision in the application.</u>	Tick the first box if the <u>competent authority refused to establish a maintenance decision.</u> If so, tick the <u>Section 10(a) box</u> if the <u>refusal was because other requirements of the Convention were not met.</u> Tick the <u>Section 10(b) box</u> if the <u>refusal was because the debtor was not located in the requested State.</u> Tick the <u>Section 10(c) box</u> if there <u>is another reason for the refusal and provide the reason.</u> <u>application is being refused because it does not comply with the Convention.</u> Tick the <u>other boxes which relate to reasons why establishment might be refused on the merits of the application.</u>	<ul style="list-style-type: none"> - <u>Some of the reasons in this list are all practical, and cannot be matched to specific Articles in the Convention.</u> - <u>An example of when other requirements of the Convention are not met is when application may be refused, e.g., because the requested maintenance obligation falls outside the scope of the Convention as it applies between the two States concerned.</u> - <u>Tick the Section 10(c) box if establishment is refused based on the merits of the application. The law of the requested State will govern the establishment of a maintenance obligation.</u> 	The Convention - Art. 10(3) Explanatory Report - Para.s 275

18. ~~Application for Modification of a Decision~~, Application for Modification of a Decision made under Article 10(1)(e), Article 10(1)(f), Article 10(2)(b) or Article 10(2)(c).

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 9	Application not processed <u>by</u> <u>Central Authority</u>	This section is used if the <u>Central Authority in the</u> requested State <u>has refused</u> to process the application.	<p>Tick the first box if the <u>Central Authority refused to process the application</u>. <u>If so, tick the Section 9(a) box if the application was-is being</u> refused because documentation was not <u>timely</u> provided.</p> <p>Tick <u>the Section 9(b) box</u> the second box if the application was refused because the requirements of the Convention were <u>manifestly</u> not met. If there are written reasons, tick the final box and attach the reasons.</p>	<p>- To refuse an application under Section 9(a), the <u>Central Authority in the</u> requested State must have asked the <u>Central Authority in the</u> requesting State for more documents or information and they have not responded within three months.</p>	<p>The Convention</p> <p>- Art. 12(8) & (9)</p> <p>Explanatory Report</p> <p>- Paras 344-347</p> <p>- Para. 350</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 383-386</p>

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 10	Modification refused for other reasons	This section is used if the <u>competent authority in the requested State</u> refuses to modify the decision in the application .	Tick the first box if the <u>competent authority refused to modify the decision</u> . If so, tick the <u>Section 10(a) box</u> if the creditor is <u>habitually resident in the State of origin</u> and the application was <u>contrary to the limit on proceedings in Article 18</u> . Tick the <u>Section 10(b) box</u> if <u>other requirements of the Convention</u> are not met. Tick the <u>Section 10(c) box</u> if the respondent was <u>not located in the requested State</u> and indicate whether the <u>respondent is the debtor or the creditor</u> . Tick the <u>Section 10(d) box</u> if there is another reason for the refusal to modify and <u>provide modification was refused</u> . Please also tick the box explaining the reason why the application is not being modified.	<ul style="list-style-type: none"> - <u>Some of the reasons in this list are practical and cannot be matched to specific Articles in the Convention.</u> - <u>An example of when other requirements of the Convention are not met is when the requested maintenance obligation falls outside the scope of the Convention as it applies between the two States concerned.</u> - <u>Tick the Section 10(d) box if modification is refused based on the merits of the application. The law of the requested State will govern the modification of a maintenance decision, including the availability of, and defences to, modification, as well as determination of the support amount</u> 	The Convention - Art. 10(3) - Art. 18 Explanatory Report - Paras 260-266 - Paras 421-427 Practical Handbook for Caseworkers - Paras 794

V. Application for Recognition or Recognition and Enforcement (Arts 10(1)(a), (2)(a) or 30)

19. The Application for Recognition or Recognition and Enforcement form is a recommended form that can be used for an application for recognition or recognition and enforcement, made under Articles 10(1)(a), (2)(a) or 30. It helps communications and exchanges between Central Authorities, as information or applications that are presented in other non-standard ways can take longer to process.¹⁸ This form can be used by public bodies.

20. This form should be used when a decision has already been made in the requesting State, or in ~~another~~ Contracting State other than the requested State, and is being sent to the requested State either to be recognised or to be recognised and enforced.

21. This form must be accompanied by a complete text of the Decision (or an Abstract of Decision, as appropriate), a Statement of Enforceability of a Decision and a Statement of Proper Notice, if applicable.¹⁹ Including the Financial Circumstances form will assist the requested State with enforcement if that is also sought.

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Title	Nature of the application		Tick the box for the Article which applies to the application.	-	The Convention - Art. 11(1)(a) Explanatory Report - Para. 289 Practical Handbook for Caseworkers - Para. 1000

¹⁸ Explanatory Report, para. 285.

¹⁹ Practical Handbook, Checklists - Documentation to be included in outgoing applications under the Convention, pp. 251-254. Article 25 also requires, where necessary, a document showing the amount of any arrears and the date such amount was calculated; in the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations; and documentation showing the extent to which the applicant received free legal assistance in the State of origin.

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of the applicant.	Tick the box at the beginning of the Form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.	<ul style="list-style-type: none"> - The applicant should be asked if he or she has concerns about disclosure. - If the box is ticked, make sure to provide the information from Sections 2(d), (e), (f), (g) & (5) in the Restricted Information part of this Form. 	The Convention - Arts 38, 39 & 40 Explanatory Report - Para. 286 - Paras 605-613 Practical Handbook for Caseworkers - Paras 118-119 - Paras 205-211 - Paras 346-348 - Paras 1001-1003
Section 1	File number	The reference number given to the application by the requesting Central Authority.	Complete the file number according to the reference system that is used by the <u>requesting</u> Central Authority.	<ul style="list-style-type: none"> - <u>Other numbers (e.g., the iSupport reference number) can be included here.</u> 	

Section 2	Particulars of the applicant	<p>The applicant is the person making the application. This may be a creditor, the legal representative of a creditor-child or of another creditor, a public body, a debtor, or the his or her legal representative of a debtor.</p> <p><u>For a public body to be a creditor, it must either be acting in place of an individual:</u></p> <p><u>i. to whom maintenance is owed, or</u></p> <p><u>ii. to which reimbursement is owed for benefits provided in place of maintenance.</u></p>	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information from Sections 2(d), (e), (f), & (g) in the Restricted Information part of this Form.</u></p> <p>Tick the box that describes the applicant, and then complete their details. A date of birth does not need to be provided if the applicant is a representative <u>of the creditor or debtor.</u></p> <p><u>If the applicant is a public body, tick the first box.</u></p>	<p><u>- The information in this section will be used to set up the case or file, and for communication about the application.</u></p> <p><u>- The first tick box refers to the person for whom maintenance is sought or is payable. This person is the creditor, who may be a parent, a caregiver, or the child, depending upon the processes in the requesting State.</u></p> <p><u>- The address of the applicant in Section 2(d) may be the address of the requesting Central Authority. This may happen when the applicant's address cannot be provided under domestic law.</u></p> <p><u>- If the child is the applicant, the name of the custodial parent should be written under the "other information" in Section 11 of the Form.</u></p> <p><u>- Try to distinguish family name(s) and given name(s). This helps in cases that include compound family names (i.e. a double surname). E.g. "Andrew Lloyd Webber" where "Lloyd Webber" is the surname, or "Juan Pablo García" where the given name is "Juan Pablo".</u></p> <p><u>- A public body may seek recognition or enforcement of:</u></p> <p><u>i. a decision rendered against a debtor on the application of a</u></p>	<p>The Convention</p> <p>- Art. 6(3)</p> <p>- Art. 11(1)(b)</p> <p>- Art. 36</p> <p>Explanatory Report</p> <p>- Paras 186-189</p> <p>- Para. 235</p> <p>- Paras 290-293</p> <p>- Paras 588-599</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 69-71</p> <p>- Para. 87</p> <p>- Paras 122-125</p> <p>- Paras 176-182</p> <p>- Para. 261</p> <p>- Para. 349</p> <p>- Paras 1004-1007</p>
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Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
				<u>public body which claims payment of benefits provided in place of maintenance, or</u> <u>ii. a decision rendered between a creditor and debtor to the extent of the benefits provided to the creditor in place of maintenance.</u>	

Section 3	Particulars of the person(s) for whom maintenance is sought <u>or payable</u>	This information is about the person who is seeking to receive maintenance <u>or to whom maintenance is payable</u> payments (i.e. the creditor).	<p>Tick the box under <u>Section 3.1</u> if the applicant is the person <u>for whom seeking maintenance is sought or is payable, and payable</u> and complete the information about the relationship.</p> <p>Tick the box under <u>Section 3.2</u> if the maintenance is for children, and children and complete the details.</p> <p>Tick the box under <u>Section 3.3</u> if the maintenance is for someone other than the applicant or a child, and child and complete the details.</p> <p>Tick the box under <u>Section 3.4</u> if <u>the maintenance is for more than three children or additional persons</u> there is insufficient space, and make sure to attach the additional information to the application.</p> <p><u>If the applicant is a public body, tick the box under 3.1. Also tick the box under "other" and indicate:</u></p> <p><u>i. whether maintenance is owed, or whether seeking reimbursement, and</u></p> <p><u>ii. the relevant domestic law and provision under which it is acting.</u></p>	<p><u>- The person for whom maintenance is sought or payable is the creditor, and may be a parent, caregiver, or child, depending upon the processes in the requesting State.</u></p> <p><u>- If the applicant is a creditor who is a parent or caregiver, tick the box under Section 3.2.</u></p> <p>- If there are multiple persons seeking maintenance, the details of each person should be provided.</p> <p>- Make sure to include the date of birth for all children. This helps the Central Authority determine if the Convention applies to them, i.e. whether they are under the age of 21, or 18 (depending on the country).</p> <p>- <u>The maintenance bases of</u> pParentage, marriage, grandparent, sibling and grandchild all have their ordinary meaning. The other options are:</p> <p>i. <u>Affinity</u>. This is where the relationship between the applicant and the debtor is based on family ties, e.g. the debtor is an uncle or other relative.</p> <p>ii. <u>In loco parentis or equivalent relationship</u>. This is where an adult stands in the place of a parent, in relation to a child.</p>	<p>The Convention</p> <p>- Art. 3(a) - Art. 6(3) - Art. 11(1)(d) - Art. 36</p> <p>Explanatory Report</p> <p>- Para. 296 - Paras 588-599</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 85-87 - Paras 122-125 - Para. 345 - Paras 1008-1013</p>
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
				<p>This would include a step parent relationship. It is to be determined by the law of the requesting State.</p> <p>iii. <u>Analogous relationship to marriage</u> (in some States, this is referred to as a common law marriage). This is where the parties were not married to each other but lived in a marriage-like relationship.</p> <p>- Maintenance on the basis of affinity, grandparent, sibling and grandchild relationships and analogous relationship to marriage will only apply where both the requested and requesting States have extended the application of the Convention to these types of relationships.</p> <p>- <u>When a public body provides the extra information under "other" this pre-empts the request under Art. 36(4).</u></p>	

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 4.1	Particulars of the debtor	This information is about the person who <u>owes</u> would be making the maintenance payments.	<p>If the applicant is the creditor or the representative of the creditor, Complete complete the information under <u>Section 4.1</u> with the details of the debtor if the applicant is not the debtor or a representative of the debtor. Do not tick the box under <u>Section 4.1</u>.</p> <p>If the applicant is the debtor, check the tick box under Section 4.1. Do not cComplete the information under <u>Section 4.1-4.2</u> if the applicant is the debtor.</p> <p>If the applicant is the representative of the debtor, cComplete the information under <u>both Section 4.1 with the details of the debtor, and 4.2 if the applicant is a representative of the debtor. Do not tick the box under <u>Section 4.1</u>.</u></p>	<p>Try to complete this section to the best of available knowledge. This includes providing all known information, e.g. information about an employer, or relatives. The purpose of this section is to provide contact information to locate the debtor. Details about the debtor's income, assets and employment, for the purpose of enforcement, should be included in the Financial Circumstances Form.</p> <ul style="list-style-type: none"> If the identification number of the person is known, this should also be included. This personal identification number could be, e.g. a Social Security Number (in the United States of America), a Social Insurance Number (in Canada), or a Tax File Number (in Australia). 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 3(b) - Art. 11(1)(b) & (c) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 290-295 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 88-89 - Paras 1014-1017
<u>Section 4.2</u>	<u>Particulars of the representative of the person for whom maintenance is sought or is payable</u>	<u>This section provides information about the representative of the person for whom maintenance is sought or payable.</u>	<u>Complete this section only if the applicant is the debtor or the representative of the debtor.</u>	<u>- The representative may be a legal representative or an adult who has care of the child.</u>	

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
<u>Section 4.3</u>	<u>Particulars of the respondent</u>	<u>This section provides information that may assist with location of the respondent.</u>	<u>Provide the information requested to the extent known.</u>	<ul style="list-style-type: none"> - <u>If the identification number of the person is known, this should also be included in Section 4.3(a). This personal identification number could be, e.g. a Social Security Number (in the United States of America), a Social Insurance Number (in Canada), or a Tax File Number (in Australia).</u> - <u>Try to complete this section to the best of available knowledge. This includes providing all known information in Section 4.3(b), e.g. information about an employer or relatives. The purpose of this section is to provide contact information to locate the respondent. Details about the respondent's income, assets and employment, for the purpose of enforcement, should be included in the Financial Circumstances Form.</u> - <u>The respondent may be the creditor or the debtor depending on the application.</u> - <u>It would be useful to include information about the nationality of the respondent.</u> 	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 5	Payment details	This section provides information about as to where <u>to send</u> any maintenance should be sent , once it is collected.	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information in the Restricted Information part of this Form.</u></p> <p>Complete this section should be completed if the applicant is not the one being made by anyone other than a debtor.</p> <p>Complete <u>Section 5(a)</u> if the applicant would be willing to receive payments electronically.</p> <p>Complete <u>Section 5(b)</u> if the applicant would be willing to receive payments by cheque.</p> <p><u>If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified.</u></p>	<p>- Check the Country Profile, Part V(1)(d), to see what payment methods are available in the requested State. Choose an option that will work for the requested State.</p> <p>Provide this information should be provided in the Restricted Information Form if there is a risk to the applicant.</p> <p>If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified.</p>	<p>The Convention</p> <p>- Art. 11(1)(f)</p> <p>Explanatory Report</p> <p>- Para. 299</p> <p>Practical Handbook for Caseworkers</p> <p>- Para. 1018</p>

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 6	Recognition only	The applicant may decide to only request recognition, and not enforcement ₂ of the decision.	<p>Tick the box if the application is only for recognition of a decision.</p> <p>This box should always be ticked where the debtor is making the application.</p>	<p>- If the application is for recognition only, a Statement of Enforceability does not need to be included.</p>	<p>The Convention</p> <p>- Art. 26</p> <p>Explanatory Report</p> <p>- Para. 546</p> <p>Practical Handbook for Caseworkers</p> <p>- Para. 32</p> <p>- Para. 266</p> <p>- Para. 378</p> <p>- Para. 1019</p>
Section 7	Jurisdiction to recognise and enforce	This section provides a list of all the possible bases situations in which a decision made in one State can be recognised and enforced in another State.	<p>Fill in the date the decision was made, and the State where the decision was made (the “State of origin”).</p> <p>Tick all the boxes that apply.</p>	<p>- Tick at least one box for the decision to be recognised.</p> <p>- This information is useful because it is not always included in the text of the decision.</p> <p>- <u>Based on the facts of the case, tick all the bases that apply as the law of the requested State will determine whether the decision can be recognised and enforced, regardless of the basis stated in the decision.</u></p> <p>- This section does not need to be completed if the application is for recognition or recognition and enforcement of a maintenance arrangement.</p>	<p>The Convention</p> <p>- Art. 20(1)</p> <p>Explanatory Report</p> <p>- Paras 237-241</p> <p>- Paras 446-460</p> <p>Practical Handbook for Caseworkers</p> <p>- Para. 102</p> <p>- Paras 1020-1023</p> <p>- Paras 1139-1152</p>

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 8	Appearance of the respondent	The respondent must have a chance to participate be involved in the proceedings which resulted in the decision. This section indicates whether the respondent had that opportunity.	<p>Tick the first box if the respondent appeared or was represented in the proceedings when the decision was made.</p> <p>Tick the second box if the respondent did not appear and was not represented. If this box is ticked, the applicant must be able to prove that the respondent had notice of the <u>proceedings and an opportunity to be heard or notice of the decision and an opportunity to challenge or appeal it</u> the proceedings.</p>	<p>If the second box is ticked, fill out and include the Statement of Proper Notice form.</p> <p>Only the first or second box can be ticked, but not both.</p> <p>If the decision was made in a system where there is no hearing, tick the second box and fill out and include the Statement of Proper Notice form.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 22(e) - Art. 25(1)(c) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 486-488 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 137 - Paras 295-299 - Paras 1024-1029
Section 9	Financial circumstances form	The financial circumstances form provides detailed information about the applicant and the debtor and will assist the requested State to enforce the decision.	Tick the box if a Financial Circumstances form is attached to the application.	<p>While this form is not mandatory, it is highly recommended.</p> <p>The Financial Circumstances form is only necessary if seeking enforcement of the decision. If the applicant is for recognition only, it does not need to be included.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(2)(a) & (b) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 306-309 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. s 1030

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 10	Legal assistance	This section covers applications by creditors and debtors <u>who</u> that do not qualify for free legal assistance.	<p>This section will be completed only in limited circumstances, most often where the applicant is a debtor.</p> <p>Tick the first box if the applicant is the creditor (the person <u>to whom maintenance is sought or is payable</u> is seeking payment) and the application is for maintenance obligations <i>other than</i> those that come from a parent-child relationship, <i>e.g.</i> for spousal support only.</p> <p>Tick the second box if the applicant is the debtor (the person who owes <u>maintenance</u> money).</p>	<p>- If the applicant has received legal assistance, information about this should be included, <i>e.g.</i> a letter from the authority that helped.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(3) - Art. 15 - Art. 16 - Art. 17(a) & (b) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 313 - Para. 383 - Paras 402-414 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 111-113 - Paras 222-224 - Paras 228-229 - Para. 231 - Paras 1031-1033
Section 11	Other information	Any other relevant information may be provided in this section.	<p>Please include anything that may be relevant and has not already been provided.</p> <p><u>If the applicant is a public body, use this section to provide the names and dates of birth of the relevant children and their custodial parent.</u></p>	<p>- <u>If the applicant is the child, be sure to include the name of the custodial / caregiver parent in this section if it is not included elsewhere.</u></p> <p>- <u>If costs and expenses are included, include a document setting out the nature of the costs and expenses and how they have been calculated.</u></p>	-

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 12	Attestations	This is filled out by the Central Authority to confirm the application is completed.	The Central Authority should tick both boxes once they have checked all the information in the application and are satisfied it complies with the Convention.	-	The Convention - Art. 12(2) Explanatory Report - Paras 322-326 Practical Handbook for Caseworkers - Para. 1034
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority who completes the form must <u>enter/write</u> his or her name, and date the Form.	- The Form does not need to be signed.	The Convention - Art. 12(2) Explanatory Report - Para. 324 Practical Handbook for Caseworkers - Paras 203-204
<u>Restricted Information Form</u>	<u>Restricted information when a determination has been made under Art. 40</u>	<u>This information is what would have been included in Sections 2(d), (e), (f), (g) & (5).</u>	<u>Complete this information according to the instructions for Sections 2(d), (e), (f), (g) & (5).</u>	<u>- This Form must be completed if the Art. 40 determination has been made.</u>	

VI. Abstract of a Decision (Art. 25(3)(b))

22. The Abstract of a Decision form is a recommended form that can be attached to an application if the requested State has indicated they will accept an abstract of the maintenance decision in applications for recognition or recognition and enforcement. Information on whether a State will accept an Abstract of a Decision is available on the Country Profile.²⁰

23. This form should be completed by an official from the competent authority ~~that made the decision~~ in the State where the decision was made.

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 1	Name of the State of origin	This is the State, and territorial unit in a non-unified legal system (e.g. a federal system), that made the decision.	Fill in the name of the State that made the decision. If the State has different territorial units, include the <u>name of the</u> territorial unit that made the decision.	- The State where the decision was made may be different than the requesting State or the requested State.	The Convention - Art. 46(1)(b) - Art. 61 Practical Handbook for Caseworkers - Paras 134-136 - Para. 275 - Paras 308-312 Paras 289-294
Section 2	Competent authority issuing the Abstract	This is the authority that has the legal power under the law of the State where the decision was made to perform this function. It may or may not be the authority that made the decision.	<u>Complete this</u> This section should be filled out with general contact information about the competent authority that is completing the Abstract.	- The competent authority issuing the Abstract (i.e. completing the form) does not have to be the Central Authority, nor the authority that made the decision. <u>However, it has to be a competent authority in the State that made the decision.</u>	The Convention - Art. 19(1) & (3) Practical Handbook for Caseworkers - Para. 77

²⁰ Part II(1)(c).

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 3	The decision <u>currently enforced or enforceable</u> to be enforced	This identifies the decision that was made.	Complete the information about the decision.	<ul style="list-style-type: none"> - The competent authority completing the form may be different than the authority that made the decision. E.g. the decision may have been made by a Court but the Abstract is completed by the Central Authority. 	The Convention <ul style="list-style-type: none"> - Art. 19(1) & (3) - Art. 25(3)(b) Explanatory Report <ul style="list-style-type: none"> - Paras 431-437 - Para. 439 - Paras 543-544 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 66-67 - Paras 90-92 - Paras 309-310 - Para. 1123
Section 4	Name of the debtor		Fill in the name of the debtor. The name in this section must match the name in the application.	-	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 5	Terms of decision	This is the section where the terms of the decision are described.	<p>Complete the information in 5.1 if the decision made maintenance payable to one person or a group of persons, and there is only one amount due.</p> <p>Complete the information in 5.2 if the decision made maintenance payable to more than one person, and each person is entitled to receive a separate amount.</p> <p>Complete the information in 5.3 if the decision requires payments to be made to a public body.</p>	<ul style="list-style-type: none"> - Depending on the decision, more than one subsection may need to be completed. - More information can be attached if there is not enough space on the form. If there are more people, make sure to use the same structure that is in the recommended form. - <u>If a decision includes indexation, specify this under the 'other' option at the end of each subsection.</u> - <u>Currency should be specified using the ISO code.</u> 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 19(1)
Section 6	Indexation of maintenance	A decision may include automatic indexation, which means the amount of the payment will be adjusted in the future.	Tick the box which applies to the decision.	<ul style="list-style-type: none"> - This section must be completed. If there is nothing in the decision about indexation, tick the first box. - <u>If the decision provides for indexation, then include a document explaining how to do the indexation.</u> 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 19(1) - Art. 25(1)(e) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 435 - Para. 536 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1126

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 7	Interest on late payments	A decision may include the addition of interest if payments are not made as required.	Tick the each box which applies to the decision.	<p>- This section must be completed. If there is nothing in the decision on late payments, tick the first box.</p> <p>- This section details applies to future interest on unpaid maintenance. If interest is to be charged, include a document explaining how to calculate the interest.</p> <p>- This is not the same as arrears (payments which have already been missed) are, which is covered in Section 5. If interest is included in the arrears, include a document that explains how the arrears were calculated including what amount of the arrears is interest. Interest which accrued on missed payments should be included in the arrears.</p> <p>-</p>	<p>The Convention</p> <p>- Art. 19(1)</p> <p>Explanatory Report</p> <p>- Para. 436</p> <p>Practical Handbook for Caseworkers</p> <p>- Para. 304</p>

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 8	Effect of the decision	This explains how long the decision will be in effect, and if/when it will stop.	Tick the box which applies to the decision.	<ul style="list-style-type: none"> - If there is nothing in the decision about when it will end, it may be set out in domestic law. If so, tick the fifth box. - <u>The duration of the decision is determined by the law of the State of Origin so this information will assist the other State to determine the period of time for which maintenance is payable. Attaching a copy of the domestic law or providing a citation would also be helpful.</u> - <u>Where possible, an explanation of the relevant law should be provided, as the requested State may not be familiar with the relevant law. This should be included under the 'Other Information' section of the application.</u> 	Explanatory Report - Paras 574-577 Practical Handbook for Caseworkers - Para. 709-717 Practical Handbook : 709 — 717 Also reference Explanatory Report
Section 9	Costs and expenses	A decision may include an order that one party pay the costs and expenses of the proceedings.	Tick the box which applies to the decision.	<ul style="list-style-type: none"> - This section must be completed. If there is nothing in the decision about costs and expenses, tick the first box. - <u>If costs and expenses are included, include a document setting out the nature of the costs and expenses and how they have been calculated.</u> 	The Convention - Art. 19(1) Explanatory Report - Para. 437

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Confirmation		This confirms that the decision is accurately described in the Abstract.	<p>Tick the box to confirm.</p> <p>The official from the competent authority who is <u>confirming the accuracy of the Abstract</u> completing the form must <u>enter/write</u> his or her name, and <u>the date of the confirmation</u> the Form. The official does not have to be from the competent authority that made the decision, but decision but must be from a competent authority in the State where the decision was made.</p>	<p>- The Form does not need to be signed by the <u>competent authority completing the Abstract</u> is person.</p>	<p>Practical Handbook for Caseworkers</p> <p>- Paras 203-204</p>
Authentication		This information is required in lieu of a signature.	<p>Tick the box to confirm that the <u>Abstract</u> application was completed by <u>the identified someone from the</u> competent authority in the State where the <u>decision</u> order was made.</p> <p>The <u>authorised representative person</u> from the Central Authority <u>who completed the Form</u> must <u>enter/write</u> his or her name, and date the Form.</p> <p>Include the file number at the bottom.</p>	<p>- The Form does not need to be signed.</p>	<p>The Convention</p> <p>- Art. 12(2)</p> <p>Explanatory Report</p> <p>- Para. 324</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 203-204</p>

VII. Statement of Enforceability of a Decision (Art. 25(1)(b))

24. The Statement of Enforceability of a Decision form is a recommended form that can be attached to an application for recognition and enforcement. This is not required if the application is for recognition only. The form confirms that the decision is enforceable in the State that made the decision (the State of origin). If the decision was made by an administrative authority, it also confirms the decision meets the requirements under Article 19(3) of the Convention.

25. This form should be completed by an official ~~who is~~ from the competent authority in the State that made the decision. This may not be the Central Authority, and it may be an authority in another State. However, a representative of the Central Authority must still verify the Form.

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 1	Name of the State of origin	This is the State, and territorial unit in a non-unified system (e.g. a federal system), that made the decision.	Fill in the name of the State that made the decision. If the State has different territorial units, include the <u>name of the</u> territorial unit that made the decision.	- The State where the decision was made may be different from the requesting State or the requested State.	The Convention - Art. 46(1)(b) - Art. 61 Practical Handbook for Caseworkers - Paras 134-136 - Para. 275 - Paras 289-294
Section 2	Competent authority issuing the Statement	This is the authority that has the legal power under the law of the State where the decision was made to perform this function. It may or may not be the authority that made the decision.	Complete this section filled out This section should be filled out with general contact information about the competent authority of issuing the Statement.	- The competent authority issuing the Statement (i.e. completing the form) does not have to be the Central Authority, nor the authority that made the decision. <u>However, it has to be a competent authority in the State that made the decision.</u>	The Convention - Art. 19(1) & (3) Practical Handbook for Caseworkers - Para. 77

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 3	The decision <u>currently enforced or enforceable</u> to be enforced	This identifies the decision that was made.	Complete the information about the decision.	<ul style="list-style-type: none"> - The competent authority completing the form may be different than the authority that made the decision. E.g. the decision may have been made by a Court but the Statement of Enforceability is completed by the Central Authority. - The language in this section can be amended if the application is for a maintenance arrangement (not a maintenance decision). 	The Convention <ul style="list-style-type: none"> - Art. 19(1) & (3) - Art. 30(3)(b) Explanatory Report <ul style="list-style-type: none"> - Paras 431-437 - Para. 439 - Para. 558 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 66-67 - Paras 90-92 - Paras 1121-1122
Section 4	<u>Statement</u> c Confirming enforceability	This is the operative provision to confirm that the decision can be enforced in the State where it was made.	<p>Tick the box to confirm the decision is enforceable <u>in the State where the decision was made.</u></p> <p><u>The official from the competent authority who is completing the Statement of Enforceability must enter his or her name and the date of the confirmation.</u></p> <p>Tick the box to confirm that an official from the competent authority in the State where the order was made completed the form and then include his or her name, and the date</p>	<ul style="list-style-type: none"> - The Form does not need to be signed by <u>the competent authority who is confirming that the decision is enforceable in the State of origin</u>is person. - The language in this section can be amended if the application is for a maintenance arrangement (not a maintenance decision). 	Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 203-204

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Authentication		This information is required in lieu of a signature	<p><u>Tick the box to confirm that the Statement of Enforceability was completed by the identified official from the competent authority in the State where the decision was made.</u></p> <p>The authorised representative from the Central Authority must enter^{write} his or her name, and date the Form.</p> <p>Include the file number at the bottom.</p>	- The Form does not need to be signed.	<p>The Convention</p> <p>- Art. 12(2)</p> <p>Explanatory Report</p> <p>- Para. 324</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 203-204</p>

VIII. Statement of Proper Notice (Art. 25(1)(c))

26. The Statement of Proper Notice form is a recommended form that may be attached to an application for recognition or recognition and enforcement. It must be included if the respondent did not appear in the proceedings where the decision was ~~made, and~~ made and was not represented (it does not need to be completed if the respondent appeared in the proceedings). This fulfils the requirement of due process. If appropriate notice was not given, a State can refuse to recognise and enforce the decision.

27. —This form should be completed by an official ~~who is from the~~ a competent authority in the State that made the decision. This may not be the Central Authority, and it may be an authority in another State, such as the State of origin of the decision. However, a representative of the Central Authority must still verify the Form.

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 1	Name of the State of origin	This is the State, and territorial unit in a non-unified legal system (e.g. a federal system), that made the decision.	Fill in the name of the State that made the decision. If the State has different territorial units, include the <u>name of the</u> territorial unit that made the decision.	- The State where the decision was made may be different from the requesting State or the requested State.	The Convention - Art. 46(1)(b) - Art. 61 Practical Handbook for Caseworkers - Paras 134-136 - Para. 275 - Paras 295-299

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 2	Competent authority issuing the Statement	This is the authority that has the legal power under the law of the State where the decision was made to perform this function. It may or may not be the authority that made the decision.	Complete this section should be filled out with general contact information for the competent authority that issued the Statement.	<ul style="list-style-type: none"> - The competent authority <u>issuing the Statement (i.e. completing the form) does not have to be the Central Authority, nor the authority that made the decision.</u> However, it has to be a competent authority in the State that made the decision. It could be a judicial or an administrative authority which could also be the Central Authority. - The form should be completed by someone who is able to confirm that the respondent had notice under the law in that State. 	The Convention <ul style="list-style-type: none"> - Art. 19(1) & (3) Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Para. 77 - Para. 1118
Section 3	The decision <u>currently enforced or enforceable</u> to be enforced	This identifies the decision that was made.	Complete the information about the decision.	<ul style="list-style-type: none"> - <u>The competent authority completing the form may be different than the authority that made the decision. E.g. the decision may have been made by a court but the Statement of Proper Notice is completed by</u> Often, the competent authority will be a judicial authority, but it could also be an administrative authority. - Include this form if the decision was made by an administrative authority. 	The Convention <ul style="list-style-type: none"> - Art. 19(1) & (3) Explanatory Report <ul style="list-style-type: none"> - Paras 431-437 - Para. 439 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 66-67 - Paras 90-92

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 4	Name of the respondent		Fill in the name of the respondent. The name in this section must match the name <u>of the respondent</u> in the <u>decision</u> application .	<p>- <u>The respondent in Section 4 is the named respondent in the decision that is the subject of the Convention application.</u></p> <p>The rRespondent could be the creditor or the debtor, depending upon who initiated proceedingsthe application that resulted in the decision.</p> <p>- <u>The respondent in Section 4 may be different from the respondent in the Convention application, depending on who initiated the application.</u></p>	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 5	Proper notice to the respondent	This is the operative provision to confirm that the <u>named</u> respondent <u>in the decision</u> was informed about the proceedings and had a chance to respond.	<p>Tick the first box if the respondent was informed about the proceedings before the decision was made <u>and had an opportunity to be heard. Attach the certificate of service if applicable.</u></p> <p>Tick the second box if <u>the respondent was informed after</u> a decision was made without a hearing <u>and had an opportunity to challenge or appeal the decision, and the appropriate authority gave notice to the respondent that the decision had been made. Attach the certificate of service if applicable.</u></p> <p>The official from the competent authority who is completing the <u>Statement of Proper Notice</u> Form must <u>enter/write</u> his or her name, and <u>the</u> date <u>of</u> the <u>Statement</u> Form.</p>	<ul style="list-style-type: none"> - Please check the time periods for challenging or appealing a decision and only send the application once those time periods have passed. - Include any available documents and information showing that notice was provided. This may be an affidavit of service or notice, an acknowledgement of service, or another document that shows the respondent appeared at the proceedings. - The Form does not need to be signed by <u>the competent authority who is completing the Statement of Proper Notice</u> this person. 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 25(1)(c) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 477 - Paras 486-488 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 68 - Paras 295-299 - Para. 1119

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Authentication		This information is required in lieu of a signature	<p>Tick the box to confirm that the Statement was completed by <u>the identified official</u>someone from the competent authority <u>in the State where the decision was made</u>.</p> <p>The authorised representative from the Central Authority must <u>enter</u>write his or her name, and date the Form.</p> <p>Include the file number at the bottom.</p>	<p>- The Form does not need to be signed.</p>	<p>The Convention</p> <p>- Art. 12(2)</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 203-204</p>

IX. Application for Enforcement of a Decision Made or Recognised in the Requested State (Art. 10(1)(b))

28. The Application for Enforcement of a Decision Made or Recognised in the Requested State is a recommended form that can be used for an application to request a Contracting State to enforce its own decision. The words “or recognised” ~~would~~ also allow an application to enforce a decision that is already recognised in the requested State. This form can be used by public bodies.

29. The Convention does not set out documentary requirements when making this application. The Application provides a list of documents which includes: ~~The Working Group recommended including:~~ the decision (or registration) made in the requested State, a statement of arrears and the Financial Circumstances Form. Information on whether the requested State requires any other documents is available in the Country Profile.²¹

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of the applicant.	Tick the box at the beginning of the Form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.	<ul style="list-style-type: none"> - The applicant should be asked if he or she has concerns about disclosure. - If the box is ticked, make sure to provide the information from Sections 2(d), (e), (f), (g) & (5) in the Restricted Information part of this Form. 	The Convention - Arts 38, 39 & 40 Explanatory Report - Para. 286 - Paras 605-613 Practical Handbook for Caseworkers - Paras 118-119 - Paras 205-211 - Paras 346-348 - Paras 1037-1039
Section 1	File number	The reference number given to the application by the requesting Central Authority.	Complete the file number according to the reference system that is used by the <u>requesting</u> Central Authority.		

²¹ Part II(3)(c).

Section 2	Particulars of the applicant	<p>The applicant is the person making the application. This may be a creditor, the legal representative of a child or of another a creditor, or a public body.</p> <p><u>For a public body to be a creditor, it must either be acting in place of an individual:</u></p> <p><u>i. to whom maintenance is owed, or</u></p> <p><u>ii. to which reimbursement is owed for benefits provided in place of maintenance.</u></p>	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information from Sections 2(d), (e), (f), & (g) in the Restricted Information part of this Form.</u></p> <p>Complete the details of the applicant. A date of birth does not need to be provided if the applicant is a representative <u>of the creditor.</u></p> <p><u>If the applicant is a public body, tick the first box.</u></p>	<ul style="list-style-type: none"> - The information in this section will be used to set up the case or file, and for communication about the application. - <u>The first tick box refers to the person for whom maintenance is sought or is payable. This person is the creditor, who may be a parent, a caregiver, or the child, depending upon the processes in the requesting State.</u> - The address of the applicant <u>in Section 2(d)</u> may be the address of the requesting Central Authority. This may happen when the applicant's address cannot be provided under domestic law. - If the child is the applicant, the name of the custodial parent should be written under the "other information" in Section 9 of the Form. - Try to distinguish family name(s) and given name(s). This helps in cases that include compound family names (i.e. a double surname). E.g. "Andrew Lloyd Webber" where "Lloyd Webber" is the surname, or "Juan Pablo García" where the given name is "Juan Pablo". - <u>A public body may seek recognition or enforcement of:</u> <ul style="list-style-type: none"> <u>i. a decision rendered against a debtor on the application of a</u> 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 6(3) - Art. 11(1)(b) - Art. 36 <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 186-189 - Para. 235 - Paras 290-293 - Paras 588-599 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 69-71 - Para. 87 - Paras 122-125 - Paras 176-182 - Para. 486 - Paras 1040-1042
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
				<u>public body which claims payment of benefits provided in place of maintenance, or</u> <u>ii. a decision rendered between a creditor and debtor to the extent of the benefits provided to the creditor in place of maintenance.</u>	

Section 3	Particulars of the person(s) for whom maintenance is sought <u>or payable</u>	This information is about the person who is seeking to receive maintenance payments or to whom maintenance is payable (i.e. the creditor).	<p>Tick the box under <u>Section 3.1</u> if the applicant is the person seeking maintenance, and for whom maintenance is sought or is payable and complete the information about the relationship.</p> <p>Tick the box under <u>Section 3.2</u> if the maintenance is for children and complete the details.</p> <p>Tick the box under <u>section 3.3</u> if the maintenance is for someone other than the applicant or a child and complete the details.</p> <p>Tick the box under <u>Section 3.4</u> if the maintenance is for more than three children or additional persons here is insufficient space, and make sure to attach the additional information to the application.</p> <p><u>If the applicant is a public body, tick the box under 3.1. Also tick the box under "other" and indicate:</u></p> <p><u>i. whether maintenance is owed, or whether seeking reimbursement, and</u></p> <p><u>ii. the relevant domestic law and provision under which it is acting.</u></p>	<p>- The person for whom maintenance is sought or payable is the creditor, and may be a parent, caregiver, or child, depending upon the processes in the requesting State.</p> <p>- If the applicant is a creditor who is a parent or caregiver, tick the box under Section 3.2.</p> <p>- If there are multiple persons seeking maintenance, the details of each person should be provided.</p> <p>- Make sure to include the date of birth for all children. This helps the Central Authority determine if the Convention applies to them, i.e. whether they are under the age of 21, or 18 (depending on the country).</p> <p>- <u>The maintenance bases of</u> pParentage, marriage, grandparent, sibling and grandchild all have their ordinary meaning. The other options are:</p> <p>i. <u>Affinity</u>. This is where the relationship between the applicant and the debtor is based on family ties, e.g. the debtor is an uncle or other relative.</p> <p>ii. <u>In loco parentis or equivalent relationship</u>. This is where an adult stands in the place of a parent, in relation to a child.</p>	<p>The Convention</p> <p>- Art. 3(a) - Art. 6(3) - Art. 11(1)(d) - Art. 36</p> <p>Explanatory Report</p> <p>- Para. 296 - Paras 588-599</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 85-87 - Paras 122-125 - Para. 345 - Paras 1043-1048</p>
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
				<p>This would include a step parent relationship. It is to be determined by the law of the requesting State.</p> <p>iii. <u>Analogous relationship to marriage</u> (in some States, this is referred to as a common law marriage). This is where the parties were not married to each other but lived in a marriage-like relationship.</p> <p>- Maintenance on the basis of affinity, grandparent, sibling and grandchild relationships and analogous relationship to marriage will only apply where both the requested and requesting States have extended the application of the Convention to these types of relationships.</p> <p>- <u>When a public body provides the extra information under "other" this pre-empts the request under Art. 36(4).</u></p>	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 4	Particulars of the debtor	This information is about the person who would be making <u>the</u> <u>owes</u> maintenance payments .	Complete the information with the details of the debtor.	<ul style="list-style-type: none"> - Try to complete this section to the best of available knowledge. This includes all known information, <i>e.g.</i> information on <u>about</u> an employer, or relatives. The purpose of this section is to provide contact information to locate the debtor. Details about the debtor's income, assets and employment, for the purpose of enforcement, should be included in the Financial Circumstances Form. - If the identification number of the person is known, this should also be included. This personal identification number could be, <i>e.g.</i> a Social Security Number (in the United States of America), a Social Insurance Number (in Canada), or a Tax File Number (in Australia). 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 3(b) - Art. 11(1)(c) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 294-295 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 88-89 - Paras 1049-1050

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 5	Payment details	This section provides information as to <u>about</u> where <u>to send</u> any maintenance should be sent , once it is collected.	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information in the Restricted Information part of this Form.</u></p> <p>Complete <u>Section 5(a)</u> if the applicant would be willing to receive payments electronically.</p> <p>Complete <u>Section 5(b)</u> if the applicant would be willing to receive payments by cheque.</p> <p><u>If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified.</u></p>	<p>- Check the Country Profile, Part V(1)(d), to see what payment methods are available in the requested State. Choose an option that will work for the requested State.</p> <p>This information should be provided <u>Provide this information</u> in the Restricted Information Form if there is a risk to the applicant.</p> <p>If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified.</p>	<p>The Convention</p> <p>- Art. 11(1)(f)</p> <p>Explanatory Report</p> <p>- Para. 299</p> <p>Practical Handbook for Caseworkers</p> <p>- Para. 1051</p>
Section 6	The decision <u>currently enforced or enforceable</u> to be enforced	This identifies the decision that was made in the requested State.	Complete the information about the decision. This may be a decision from the requested State, or a decision of another State <u>that has been recognised in the requested State.</u>	<p>- This information should be available in the decision itself.</p> <p>- Attaching a copy of the decision will assist the requested State to properly identify the decision. If the decision was made in a State other than the requested State, attach a copy of the decision.</p>	<p>The Convention</p> <p>- Art. 19(1) & (3)</p> <p>Explanatory Report</p> <p>- Paras 431-437</p> <p>- Para. 439</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 66-67</p> <p>- Paras 90-92</p> <p>- Para. 1052</p>

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 7	Documents included with the application	This is a list of all the documents that may be included in support of the application.	<p>Tick the boxes for all the documents that are being attached to the application. This should include one of the three decision types <u>Check the box relating to the type of decision that is attached.</u></p> <p><u>A Financial Circumstances Form should be provided. If seeking to enforce arrears, a statement of arrears should be provided.</u></p>	<p>- This section helps both Central Authorities track which documents have been attached to an application.</p> <p>- Check the Country Profile, <u>Part II(1)(c)</u>, of the requested State to see if <u>it requires</u> any other information <u>or documents to accompany</u> should be included in the application.</p> <p>- There is no need to include a Statement of Enforceability or Statement of Proper Notice because the requested State is being asked to enforce its own order or one that has already been recognized.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1)(g), (2)(a), (b) & (3) - Art. 12(1) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 300-302 - Paras 305-309 - Paras 311-314 - Paras 319-320 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 487—489 - Paras 1053-1054 - Paras 1135-1136

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 8	Legal assistance	This section covers applications by creditors and debtors that <u>who</u> do not qualify for free legal assistance.	Complete this section if the applicant has previously received legal assistance. Tick the box if the application is for maintenance obligations <i>other than</i> those that come from a parent-child relationship.	- If the applicant has received legal assistance, information about this should be included, e.g. a letter from the authority that helped.	The Convention - Art. 11(3) - Art. 15 - Art. 16 - Art. 17(a) & (b) Explanatory Report - Para. 313 - Para. 383 - Paras 402-414 Practical Handbook for Caseworkers - Paras 111-113 - Paras 222-224 - Paras 228-229 - Paras 1031-1033
Section 9	Other information	Any other relevant information may be provided in this section.	Please include anything that may be relevant and has not already been provided. <u>If the applicant is a public body, use this section to provide the names and dates of birth of the relevant children and their custodial parent.</u>	- <u>————If the applicant is the child, be sure to include the name of the custodial / caregiver parent in this section if it is not included elsewhere.</u>	

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 10	Attestations	This is filled out by the Central Authority to confirm the application is completed.	The Central Authority should tick both boxes once they have checked all the information in the application and are satisfied it complies with the Convention.	-	The Convention - Art. 12(2) Explanatory Report - Paras 322-326 Practical Handbook for Caseworkers - Para. 1057
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority who completed the Form must write <u>enter</u> his or her name, and date the Form.	- The Form does not need to be signed.	The Convention - Art. 12(2) Explanatory Report - Para. 324 Practical Handbook for Caseworkers - Paras 203-204
<u>Restricted Information Form</u>	<u>Restricted information when a determination has been made under Art. 40</u>	<u>This information is what would have been included in Sections 2(d), (e), (f), (g) & (5).</u>	<u>Complete this information according to the instructions for Sections 2(d), (e), (f), (g) & (5).</u>	<u>- This Form must be completed if the Art. 40 determination has been made.</u>	

X. Application for Establishment of a Decision (Art. 10(1)(c) and (d))

30. The Application for Establishment of a Decision is a recommended form that can be used for an application to establish a maintenance decision when no decision already exists in any other State, or where a decision has ~~made~~ been made but it cannot be recognised. If parentage must be determined before a decision can be established, this can be included in this application. The application is subject to there may be some jurisdictional rules of the requested State ~~which limit the circumstances in which this application can be made.~~

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Title	Nature of the application		Tick the box for the Article which applies to the application.	-	The Convention - Art. 11(1)(a) Explanatory Report - Para. 289 Practical Handbook for Caseworkers - Para. 1059
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of the applicant.	Tick the box at the beginning of the Form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.	- The applicant should be asked if he or she has concerns about disclosure. - If the box is ticked, make sure to provide the information from Sections 2(d), (e), (f), (g) & (5) in the Restricted Information part of this Form.	The Convention - Arts 38, 39 & 40 Explanatory Report - Para. 286 - Paras 605-613 Practical Handbook for Caseworkers - Paras 118-119 - Paras 205-211 - Paras 346-348 - Paras 1060-1062

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 1	File number	The reference number given to the application by the requesting Central Authority.	Complete the file number according to the reference system that is used by the <u>requesting</u> Central Authority.		
Section 2	Particulars of the applicant	The applicant is the person making the application. This may be a creditor, the legal representative of a child creditor or of another creditor , or a public body <u>(if recognition of an existing decision was refused).</u>	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information from Sections 2(d), (e), (f), & (g) in the Restricted Information part of this Form.</u></p> <p>Complete the details of the applicant. A date of birth does not need to be provided if the applicant is a representative.</p>	<ul style="list-style-type: none"> - The information in this section will be used to set up the case or file, and for communication about the application. - The address of the applicant <u>in Section 2(d) may</u> be the address of the requesting Central Authority. This may happen when the applicant's address cannot be provided under domestic law. - If the child is the applicant, the name of the custodial parent should be written under the "other information" in Section 10 of the Form. - Try to distinguish family name(s) and given name(s). This helps in cases that include compound family names (<i>i.e.</i> a double surname). <i>E.g.</i> "Andrew Lloyd Webber" where "Lloyd Webber" is the surname, or "Juan Pablo García" where the given name is "Juan Pablo". 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1)(b) - Art. 36 <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 235 - Paras 290-293 - Paras 588-599 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 69-71 - Paras 122-125 - Paras 176-182 - Para. 349 - Paras 561-563 - Paras 1063-1064

Section 3	Particulars of the person(s) for whom maintenance is sought	This information is about the person who is seeking to receive maintenance payments or to whom maintenance is payable (i.e. the creditor).	<p>Tick the box under 3Section 3.1 if the applicant is the person seeking for whom maintenance is sought or is payable and complete the information about the relationship. Tick the second box if parentage is established or presumed.</p> <p>Tick the box under Section 3.2 if the maintenance is for children and complete the details. For each child, tick the box if parentage is established or presumed.</p> <p>Tick the box under Section 3.3 if the maintenance is for someone other than the applicant or a child and complete the details.</p> <p>Tick the box under Section 3.4 if the maintenance is for more than three children or additional persons there is insufficient space, and make sure to attach the additional information to the application. Always include whether parentage is established or presumed for each additional person or child.</p>	<p>- The person for whom maintenance is sought or payable is the creditor, and may be a parent, caregiver, or child, depending upon the processes in the requesting State.</p> <p>- If the applicant is a creditor who is a parent or caregiver, tick the box under Section 3.2.</p> <p>- If there are multiple persons seeking maintenance, the details of each person should be provided.</p> <p>- Make sure to include the date of birth for all children. This helps the Central Authority to determine if the Convention applies to them, i.e. whether they are under the age of 21, or 18 (depending on the country).</p> <p>- The maintenance bases of Pparentage, marriage, grandparent, sibling and grandchild all have their ordinary meaning. The other options are:</p> <p>i. <u>Affinity</u>. This is where the relationship between the applicant and the debtor is based on family ties, e.g. the debtor is an uncle or other relative.</p> <p>ii. <u>In loco parentis or equivalent relationship</u>. This is where an adult stands in the place of a parent, in relation to a child.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 3(a) - Art. 11(1)(d) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 296 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 85-87 - Paras 1065-1070
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
				<p>This would include a step parent relationship. It is to be determined by the law of the requesting State.</p> <p>iii. <u>Analogous relationship to marriage</u> (in some States, this is referred to as a common law marriage). This is where the parties were not married to each other but lived in a marriage-like relationship.</p> <p>- Maintenance on the basis of affinity, grandparent, sibling and grandchild relationships and analogous relationship to marriage will only apply where both the requested and requesting States have extended the application of the Convention to these types of relationships.</p>	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 4	Particulars of the debtor	This information is about the person who <u>owes or is alleged to owe</u> would be making the maintenance payments .	Complete the information with the details of the debtor.	<ul style="list-style-type: none"> - Try to complete this section to the best of available knowledge. This includes providing all known information, <i>e.g.</i> information on<u>about</u> an employer, or relatives. The purpose of this section is to provide contact information to locate the debtor. Details about the debtor's income, assets and employment, for the purpose of establishing the decision and enforcement, should be included in the Financial Circumstances Form - If the identification number of the person is known, this should also be included. This personal identification number could be, <i>e.g.</i> a Social Security Number (in the United States of America), a Social Insurance Number (in Canada), or a Tax File Number (in Australia). 	The Convention <ul style="list-style-type: none"> - Art. 3(b) - Art. 11(1)(c) Explanatory Report <ul style="list-style-type: none"> - Paras 294-295 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Paras 88-89 - Paras 1071-1072

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 5	Payment details	This section provides information as to <u>about</u> where any to send any maintenance should be sent , once it is collected.	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information in the Restricted Information part of this Form.</u></p> <p>Complete <u>Section 5(a) (a)</u> if the applicant would be willing to receive payments electronically.</p> <p>Complete <u>Section 5(b) (b)</u> if the applicant would be willing to receive payments by cheque.</p> <p><u>If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified.</u></p>	<ul style="list-style-type: none"> - Check the Country Profile, Part V(1)(d), to see what payment methods are available in the requested and requesting State. Choose an option that will work for the requested State. - This information should be provided <u>Provide this information</u> in the Restricted Information Form if there is a risk to the applicant. - <u>Currency should be specified using the ISO code.</u>If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified. 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1)(f) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 299 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1073

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 6	Purpose of the application	This indicates whether a decision has already been made, or not there is no existing decision or whether a decision has been made but recognition of that decision is not possible or was refused.	<p>Tick the box in (a) if there is no existing decision.</p> <p>Tick the box in (b) if a decision was made in another State, but cannot be recognised in the requested State.</p>	<p>- This section should correspond with the box that was ticked in the Title Section.</p>	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 20(4) - Art. 22(b) & (e) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 466-468 - Paras 480-481 - Paras 486-488 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 102 - Para. 573 - Para. 1074
Section 7	Support sought by the applicant	This indicates what payments the applicant is seeking.	<p>Complete this section if it is required by the requested State.</p> <p>Please tick Tick each of the first-level boxes that apply: support / maintenance, retroactive payment, and other payments.</p> <p>Complete the details in each section that apply.</p>	<ul style="list-style-type: none"> - Check the Country Profile, Part II(5)(c), to see if the requested State requires this section to be completed. - Use the currency of either the requesting or the requested State. Make sure to specify which currency is used. - <u>The amount you request will not necessarily be awarded by the requested State. The law of the requested State will determine the amount of maintenance that should be paid, including retroactive maintenance.</u> 	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 8	Documents included with the application	This is a list of all the documents that may be included in support of the application.	Tick the boxes for all the documents that are attached to the application. What must be included will depend on the application.	<ul style="list-style-type: none"> - This section helps both Central Authorities track which documents have been attached to an application. - Check the Country Profile, Part II(5)(f), of the requested State to see if it requires any other information or documents to accompany should be included in the application. 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1)(g), (2)(a), (b) & (3) - Art. 12(1) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 300-302 - Paras 305-309 - Paras 311-314 - Paras 319-320 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1076 - Paras 1135-1136
Section 9	Enforcement measures	This is to inform the requested State if the applicant is asking for the decision to be enforced (if the application is successful).	Tick the box if the applicant would like the decision enforced in the requested State, after it has been made.	<ul style="list-style-type: none"> - In rare cases, the applicant will only want establishment of a decision, <i>e.g.</i> where he or she intends to enforce privately. 	<p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1077
Section 10	Other information	Any other relevant information may be provided in this section.	Please include anything that may be relevant and has not already been provided.	<ul style="list-style-type: none"> - ————If the applicant is the child, be sure to include the name of the custodial / caregiver parent in this section if it is not included elsewhere. 	

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 11	Attestations	This is to be filled out by the Central Authority to confirm the application is completed.	The Central Authority should tick both boxes once they have checked all the information in the application and are satisfied it complies with the Convention.	-	The Convention - Art. 12(2) Explanatory Report - Paras 322-326 Practical Handbook for Caseworkers - Para. 1078
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority must write -enter his or her name, and date the Form.	- The Form does not need to be signed.	The Convention - Art. 12(2) Explanatory Report - Para. 324 Practical Handbook for Caseworkers - Paras 203-204
<u>Restricted Information Form</u>	<u>Restricted information when a determination has been made under Art. 40</u>	<u>This information is what would have been included in Sections 2(d), (e), (f), (g) & (5).</u>	<u>Complete this information according to the instructions for Sections 2(d), (e), (f), (g) & (5).</u>	<u>- This Form must be completed if the Art. 40 determination has been made.</u>	

XI. Application for Modification of a Decision (Art. 10(1)(e), (f), (2)(b) and (c))

31. The Application for Modification of a Decision is a recommended form that can be used for an application to modify an existing decision. This form can be used by the debtor, the creditor, or a representative of one of them.

32. Where a decision is made in a Contracting State where the creditor is habitually resident, proceedings to modify the decision or to make a new decision cannot be brought by the debtor in any other Contracting State as long as the creditor remains habitually resident in the State where the decision was made.²²

The Application for Modification of a Decision is also subject to the jurisdictional rules of the requested State.

33. The grounds on which modification will be allowed is governed by the law of the requested State.

34. In some States will issue a new decision rather than modify a decision, it might not be allowed, and the applicant would need to seek a new decision instead.

32-35. Review Chapter 11 of the Practical Handbook to verify whether any restrictions apply to the modification application.

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Title	Nature of the application		Tick the box for the Article which applies to the application.	-	The Convention - Art. 11(1)(a) Explanatory Report - Para. 289 Practical Handbook for Caseworkers - Para. 1079

²² Art. 18.

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of the applicant.	Tick the box at the beginning of the Form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.	<ul style="list-style-type: none"> - The applicant should be asked if he or she has concerns about disclosure. - If the box is ticked, make sure to provide the information from Sections 2(d), (e), (f), (g) & (5) in the Restricted Information part of this Form. 	The Convention - Arts 38, 39 & 40 Explanatory Report - Para. 286 - Paras 605-613 Practical Handbook for Caseworkers - Paras 118-119 - Paras 205-211 - Paras 346-348 - Paras 1080-1082
Section 1	File number	The reference number given to the application by the requesting Central Authority.	Complete the file number according to the reference system that is used by the <u>requesting</u> Central Authority.		

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 2	Particulars of the applicant	The applicant is the person making the application. This may be a creditor, the legal representative of a child-creditor, or of another creditor, or the debtor, or the representative of the debtor.	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information from Sections 2(d), (e), (f), & (g) in the Restricted Information part of this Form.</u></p> <p>Tick the box which describe the applicant, and then complete the details. A date of birth does not need to be provided if the applicant is a representative <u>of the creditor or debtor.</u></p>	<ul style="list-style-type: none"> - The information in this section will be used to set up the case or file, and for communication about the application. - <u>The first tick box refers to the person for whom maintenance is sought or is payable. This person is the creditor, who may be a parent, a caregiver, or the child, depending upon the processes in the requesting State.</u> - The address of the applicant <u>in Section 2(d)</u> may be the address of the requesting Central Authority. This may happen when the applicant's address cannot be provided under domestic law. - If the child is the applicant, the name of the custodial parent should be written under the "other information" in Section 10 of the Form. - Try to distinguish family name(s) and given name(s). This helps in cases that include compound family names (<i>i.e.</i> a double surname). <i>E.g.</i> "Andrew Lloyd Webber" where "Lloyd Webber" is the surname, or "Juan Pablo García" where the given name is "Juan Pablo". 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1)(b) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 235 - Paras 290-293 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 69-71 - Paras 176-182 - Paras 1083-1085

Section 3	Particulars of the person(s) for whom maintenance is sought <u>or payable</u>	This information is about the person who is seeking to receive maintenance payments or to whom maintenance is payable (i.e. the creditor).	<p>Tick the box under <u>Section 3.1</u> if the applicant is the person seeking for whom maintenance is sought or is payable, and payable and complete the information about the relationship.</p> <p>Tick the box under <u>Section 3.2</u> if the maintenance is for children, and children and complete the details. For each child, tick the box if parentage is established or presumed.</p> <p>Tick the box under <u>Section 3.3</u> if the maintenance is for someone other than the applicant or a child, and child and complete the details.</p> <p>Tick the box under <u>Section 3.4</u> if there is insufficient space if the maintenance is for more than <u>three children or additional persons</u>, and make sure to attach the additional information to the application.</p>	<p>- <u>The person for whom maintenance is sought or payable is the creditor, and may be a parent, caregiver, or child, depending upon the processes in the requesting State.</u></p> <p>- <u>If the applicant is a creditor who is a parent or caregiver, tick the box under Section 3.2</u></p> <p>- If there are multiple persons seeking maintenance, the details of each person should be provided.</p> <p>- Make sure to include the date of birth for all children. This helps the Central Authority to determine if the Convention applies to them, i.e. whether they are under the age of 21, or 18 (depending on the country).</p> <p>- <u>The maintenance bases of</u> Pparentage, marriage, grandparent, sibling and grandchild all have their ordinary meaning. The other options are:</p> <p>iv. <u>Affinity</u>. This is where the relationship between the applicant and the debtor is based on family ties, e.g. the debtor is an uncle or other relative.</p> <p>v. <u>In loco parentis or equivalent relationship</u>. This is where an adult stands in the place of a parent, in relation to a child. This would include a step parent relationship. It is to be</p>	<p><u>The Convention</u></p> <ul style="list-style-type: none"> - Art. 3(a) - Art. 11(1)(d) <p><u>Explanatory Report</u></p> <ul style="list-style-type: none"> - Para. 296 <p><u>Practical Handbook for Caseworkers</u></p> <ul style="list-style-type: none"> - Paras 85-87 - Paras 1086-1091
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<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
				<p>determined by the law of the requesting State.</p> <p>vi. <u>Analogous relationship to marriage</u> (in some States, this is referred to as a common law marriage). This is where the parties were not married to each other but lived in a marriage-like relationship.</p> <p>- Maintenance on the basis of affinity, grandparent, sibling and grandchild relationships and analogous relationship to marriage will only apply where both the requested and requesting States have extended the application of the Convention to these types of relationships.</p>	

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 4.1	Particulars of the debtor	This information is about the person who <u>owes would be making the maintenance payments.</u>	<p><u>If the applicant is the creditor or the representative of the creditor</u> Complete the information under Section 4.1 if the applicant is not the debtor with the details of the debtor. Do not tick the box under 4.1.</p> <p><u>If the applicant is the debtor,</u> Tick the box under section 4.1, and complete the information under 4.2 if the applicant is the debtor, with details of the representative of the person who is receiving maintenance. Do not complete the information under Section 4.1.</p> <p><u>Complete the information under 4.3 with any further information about the respondent.</u></p> <p><u>If the applicant is the representative of the debtor,</u> complete the information under Section 4.1 with details of the debtor. Do not tick the box under Section 4.1.</p>	<ul style="list-style-type: none"> - Try to complete this section to the best of available knowledge. This includes providing known information, e.g. information on an employer, or relatives. The purpose of this section is to provide contact information to locate the debtor. Details about the debtor's income, assets and employment, for the purpose of deciding whether the decision should be modified, or for enforcement of any decision, should be included in the Financial Circumstances Form. - If the identification number of the person is known, this should also be included. This personal identification number could be, e.g. a Social Security Number (in the United States of America), a Social Insurance Number (in Canada), or a Tax File Number (in Australia). 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 3(b) - Art. 11(1)(c) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 294-295 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 88-89 - Paras 1092-1096
Section 4.2	Particulars of the representative of the person for whom maintenance is sought or is payable	This section provides information about the representative of the person for whom maintenance is sought or payable.	Complete this section only if the applicant is the debtor or the representative of the debtor.	<ul style="list-style-type: none"> - The representative may be a legal representative or an adult who has care of the child. 	
Section 4.3	Particulars of the respondent	This section provides information that may assist with location of the respondent.	Provide the information requested to the extent known.	<ul style="list-style-type: none"> - The respondent may be the creditor or the debtor depending on the application. 	

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 5	Payment details	This section provides information about as to where <u>to send</u> any maintenance should be sent , once it is collected.	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete this section, and make sure to provide the information in the Restricted Information part of this Form.</u></p> <p>Complete <u>Section 5</u>–(a) if the applicant would be willing to receive payments electronically.</p> <p>Complete <u>Section 5</u>–(b) if the applicant would be willing to receive payments by cheque.</p> <p><u>If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified.</u></p> <p><u>Do not complete this section if the applicant is the debtor.</u></p>	<p>- Check the Country Profile, Part V(1)(d), to see what payment methods are available in the requested State. Choose an option that will work for the requested State.</p> <p>This information should be provided<u>Provide this information</u> in the Restricted Information Form if there is a risk to the applicant.</p> <p>- If the payments will go to a competent authority, make sure to include their file reference number so that payments can be properly identified.</p>	<p>The Convention</p> <p>- Art. 11(1)(f)</p> <p>Explanatory Report</p> <p>- Para. 299</p> <p>Practical Handbook for Caseworkers</p> <p>- Para. 1097</p>

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 6	The decision to be modified	<p>This identifies the decision that is currently enforced in the requested State.</p> <p><u>This identifies the existing decision in respect of which the application for modification is made.</u></p>	Complete the information about the decision. This may be a decision from the requested State, or a decision of another State, <u>including a non-Contracting State.</u>	<ul style="list-style-type: none"> - <u>The decision does not have to be one issued by a Contracting State.</u> - This information is set out in the decision itself. Use the names of the parties as they appear in the decision. This may be different than the names of the parties as they are shown on the application if, e.g. one of the parties has remarried and changed his or her name. - If the decision was made in a State other than the requested State, <u>it is highly recommended to always attach a copy of the decision, which also satisfies the conditions necessary to establish its authenticity.</u> 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 19(1) & (3) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 431-437 - Para. 439 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 66-67 - Paras 90-92 - Para. 1098
Section 7	Change in circumstances	This explains why the applicant is seeking a modification of the decision.	Tick all the boxes that apply.	<ul style="list-style-type: none"> - It is the responsibility of the applicant to prove that there has been an actual change in circumstances. There may be other requirements for a modification of the decision. Check the Country Profile, Part II(6)(e) <u>and 7(e)</u>, of the requested State to determine <u>in what circumstances</u> when a modification may be allowed. - 	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 11(1)(e) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 298 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 45-46 - Para. 114 - Para. 885 - Para. 1099

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Section 8	Modifications sought	This explains what provisions in <u>of</u> the existing decision the applicant is seeking to modify.	Tick all the boxes that apply. Please provide specifics about what is being sought, and <u>sought</u> and include currency information when it is required.	<ul style="list-style-type: none"> - <u>When specifying an amount of maintenance, ensure the correct timeframe is used, e.g. whether payment is per month or per four-week period.</u> - <u>Currency should be specified using the ISO code.</u> 	The Convention <ul style="list-style-type: none"> - Art. 11(1)(a) Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Para. 1100
Section 9	Documents included with the application	This is a list of all the documents that may be included in support of the application.	Tick the boxes for all the documents that are attached to the application. What must be included will depend on the application.	<ul style="list-style-type: none"> - <u>It is highly recommended to attach a copy of the decision to be modified.</u> - This section helps both Central Authorities track which documents have been attached to an application. - Check the Country Profile, Part II(6)(d), often see if <u>to see if it</u> requires any other information <u>or documents to accompany</u> be included in the application. - The Financial Circumstances Form should always be attached. 	The Convention <ul style="list-style-type: none"> - Art. 11(1)(g), (2)(a), (b) & (3) - Art. 12(1) Explanatory Report <ul style="list-style-type: none"> - Paras 300-302 - Paras 305-309 - Paras 311-314 - Paras 319-320 Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Para. 1101 - Paras 1135-1136
Section 10	Enforcement measures	This is to inform the requested State if the applicant is asking for the decision to be enforced (if the application is successful).	Tick this box if the applicant would like the <u>modified</u> decision enforced in the requested State, after it has been made.	<ul style="list-style-type: none"> - If the modification application was initiated by the creditor, and the creditor would like the <u>modified</u> new decision enforced, this box should be ticked. It is not usually ticked when the application is initiated by a debtor. 	Practical Handbook for Caseworkers <ul style="list-style-type: none"> - Para. 1102

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Section 11	Other information	Any other relevant information may be provided in this section.	Please include anything that may be relevant and has not already been provided.	- <u>If the modified decision will need to be subsequently recognised in the requesting State, you should ask the requested State to send you a certified (if needed) copy of the modified decision, a Statement of Enforceability and a Statement of Proper Notice, if applicable.</u>	
Section 12	Jurisdiction if the applicant is a debtor	This section only needs to be completed if the applicant is a debtor and is making an application to modify a decision. It confirms that the requested State has jurisdiction to modify the decision.	<p>Tick the first box if the creditor (<i>i.e.</i> the person receiving maintenance to whom <u>maintenance is sought or payable</u>) is <i>not</i> habitually resident in the State that made the decision.</p> <p>Tick the second box if the creditor is habitually resident in the State that made the decision, <u>and decision and</u> tick a second level <u>the box</u> that describes the situation.</p>	- Make sure to attach any documents that are required under the second option.	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 10(2)(c) - Art. 18 <p>Explanatory Report</p> <ul style="list-style-type: none"> - Para. 274 - Paras 421-427 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Paras 101-102 - Paras 188-190 - Paras 762-766 - Para. 1103
Section 13	Attestations	This is to be filled out by the Central Authority to confirm the application is completed.	The Central Authority should tick both boxes once they have checked all the information in the application and are satisfied it complies with the Convention.	-	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 12(2) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 322-326 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1104

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority must write <u>enter</u> his or her name, and date the Form.	- The Form does not need to be signed.	The Convention - Art. 12(2) Explanatory Report - Para. 324 Practical Handbook for Caseworkers - Paras 203-204
<u>Restricted Information Form</u>	<u>Restricted information when a determination has been made under Art. 40</u>	<u>This information is what would have been included in Sections 2(d), (e), (f), (g) & (5).</u>	<u>Complete this information according to the instructions for Sections 2(d), (e), (f), (g) & (5).</u>	<u>- This Form must be completed if the Art. 40 determination has been made.</u>	

XII. Financial Circumstances Form (Art. 11(2))

~~33-36.~~ The Financial Circumstances form is a recommended form that can be used to fulfil the obligation under Article 11(2)(a) and (b) to provide, to the extent known, information about the financial circumstances of the creditor and of the debtor. It should be included with all applications that are made under the Convention, other than applications for recognition only.

~~34-37.~~ While the form may appear confusing, not every part of it will need to be completed in every case. What needs to be completed will depend on the kind of application that is being made.

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Preamble	Confidentiality and personal data protection notice	Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of the applicant.	Tick the box at the beginning of the Form if there is a determination made <u>by a Central Authority</u> that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.	<ul style="list-style-type: none"> - The applicant should be asked if he or she has concerns about disclosure. - If the box is ticked, make sure to provide the information from Items V.D 2, 4, 6, 8, 10, 12, 14 & 16, and Items VI.D 9 & 11 in the Restricted Information part of this Form. 	The Convention - Arts 38, 39 & 40 Explanatory Report - Para. 286 - Paras 605-613 Practical Handbook for Caseworkers - Paras 118-119 - Paras 205-211 - Paras 346-348 - Para. 1106
Part I	Reference information	This part includes basic information about the applicant and the application.	This section needs to be completed for all applications. The information should be completed using the information in the accompanying application.	<u>You do not need to check the box about applying for legal assistance when a creditor is seeking recognition, recognition and enforcement, establishment, or modification of a child support order for a child up to age 21. Legal assistance is mandatory, if necessary, in the requested State.</u>	Practical Handbook for Caseworkers - Paras 1107-1110

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Part II	Creditor information	This part includes information about the person <u>to whom maintenance is owed or is payable</u> who is seeking to receive maintenance payments.	Complete this section <i>only if</i> the accompanying application is for: - establishment, or - modification, or - legal assistance for a creditor. Tick all the boxes that apply and/or complete the information as required. Make sure to specify the currency <u>(ISO code)</u> whenever listing a money amount.	- <u>This section does not have to be completed where the application is for recognition, recognition and enforcement, or enforcement of a decision made or recognized in the requested State.</u>	The Convention - Art. 11(2)(a) Explanatory Report - Paras 306-307 Practical Handbook for Caseworkers - Para. 1111
Part III	Debtor information	This part includes information about the person <u>who owes or is alleged to owe</u> who would be making the maintenance payments.	This section needs to be completed for all applications, or <u>and for an application for</u> legal assistance for a debtor. Tick all the boxes that apply, and/or complete the information as required. Make sure to specify the currency <u>(ISO code)</u> whenever listing a money amount.	- This section includes information about the employment and earnings of the debtor. Information about assets and debts is included in the next section.	The Convention - Art. 11(2)(b) Explanatory Report - Paras 308-309 Practical Handbook for Caseworkers - Para. 1112
Part IV	Debtor assets and debts	This part includes information about the assets and debts of the debtor, <i>i.e.</i> property that the debtor may own and any debts that the debtor is responsible for paying.	This section needs to be completed for all applications. Tick all the boxes that apply, <u>and apply and</u> complete the information as required. Specify the currency <u>(ISO code)</u> at the beginning of the Part.	- Complete this information to the best of available knowledge.	The Convention - Art. 11(2)(b) Explanatory Report - Paras 308-309 Practical Handbook for Caseworkers - Para. 1113

Section	Description	Explanation	Instructions for Completion	Comments / Practical Tips	See Also
Part V	Financial statement of the applicant	This part includes information about the applicant.	<p><u>If the Article 40 box is ticked at the beginning of the form, do not complete Items V.D 2, 4, 6, 8, 10, 12, 14 & 16, and make sure to provide the information in the Restricted Information part of this Form.</u></p> <p>Complete this section <i>only if</i> the application is for:</p> <ul style="list-style-type: none"> - establishment, or - modification, or - legal assistance. <p>—</p> <p>Tick all the boxes that apply, <u>and apply and</u> complete the information as required. Specify the currency (<u>ISO code</u>) at the beginning of the Part.</p>	<ul style="list-style-type: none"> - This section does not need to be completed if the applicant is a representative of the creditor, and the representative does not contribute to the maintenance of the creditor. <i>E.g.</i> a representative of an incapacitated adult. - <u>This section needs to be completed if the applicant is the custodial parent of a child, or the debtor.</u> - <u>As far as possible and in practical terms, documents that prove the income obtained, deductions, expenses, assets and debts, should be attached.</u> - <u>This section does not need to be completed if the application is for recognition or recognition and enforcement.</u> 	<p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1114

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Part VI	Medical insurance		<p>If the Article 40 box is ticked at the beginning of the form, <u>do not complete Items VI.D 9 & 11, and make sure to provide the information in the Restricted Information part of this Form.</u></p> <p>Complete this section if the application is for:</p> <ul style="list-style-type: none"> - establishment, or - modification, or - legal assistance. <p>Tick all the boxes that apply, <u>and apply and</u> complete the information as required.</p>	-	<p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1115
Attestations		This is filled out by the Central Authority to confirm the application is completed.	The Central Authority should tick both boxes once they have checked all the information in the application and are satisfied it complies with the Convention.	-	<p>The Convention</p> <ul style="list-style-type: none"> - Art. 12(2) <p>Explanatory Report</p> <ul style="list-style-type: none"> - Paras 322-326 <p>Practical Handbook for Caseworkers</p> <ul style="list-style-type: none"> - Para. 1116

<i>Section</i>	<i>Description</i>	<i>Explanation</i>	<i>Instructions for Completion</i>	<i>Comments / Practical Tips</i>	<i>See Also</i>
Authentication		This information is required in lieu of a signature.	The authorised representative from the Central Authority must enter <u>write</u> his or her name, and date the Form.	- The Form does not need to be signed.	The Convention - Art. 12(2) Explanatory Report - Para. 324 Practical Handbook for Caseworkers - Paras 203-204 - Para. 1116
<u>Restricted Information Form</u>	<u>Restricted information when a determination has been made under Art. 40</u>	<u>This information is what would have been included in Items V.D 2, 4, 6, 8, 10, 12, 14 & 16, and Items VI.D 9 & 11.</u>	<u>Complete this information according to the instructions for Items V.D 2, 4, 6, 8, 10, 12, 14 & 16, and Items VI.D 9 & 11.</u>	<u>- This Form must be completed if the Art. 40 determination has been made.</u>	

XIII. Request for Specific Measures Form

38. The Request for Specific Measures form is a recommended form that can be used for a request for limited assistance made under Article 7(1). The request will be made preliminary to, or in the absence of a formal Chapter III application.²³ As a result, the form uses the term “potential applicant”.

39. A request may be made to: (1) help locate a debtor or creditor; (2) help obtain information about the income and financial circumstances of the debtor or creditor, including information about assets; (3) facilitate the obtaining of documentary or other evidence; (4) provide assistance in establishing parentage; (5) initiate or facilitate the obtaining of provisional measures pending the completion of the maintenance application; or (6) facilitate the service of documents.²⁴

40. The information obtained from the request is intended to assist a person to make an Article 10 application or decide if an Article 10 application should be made.²⁵

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Preamble</u>	<u>Confidentiality and personal data protection notice</u>	<u>Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of the potential applicant.</u>	<u>Tick the box at the beginning of the Form if there is a determination made by a Central Authority that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.</u>	<ul style="list-style-type: none"> - The potential applicant should be asked if he or she has concerns about disclosure. - If the box is ticked, make sure to provide the information from Sections 7(d), (e), (f) & (g) in the Restricted Information part of this Form. 	<u>The Convention</u> <ul style="list-style-type: none"> - Arts 38, 39 & 40 <u>Explanatory Report</u> <ul style="list-style-type: none"> - Para. 286 - Paras 605-613 <u>Practical Handbook for Caseworkers</u> <ul style="list-style-type: none"> - Paras 118-119 - Paras 205-211

²³ Explanatory Report, para 191.

²⁴ Handbook, para 50.

²⁵ Explanatory Report, para 203.

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 1 (a)-(e)</u>	<u>Information of the Requesting Central Authority</u>	<u>This section identifies the Central Authority of the requesting State (the State sending the application) and the file number for follow-up purposes.</u>	<u>Complete this section with general contact information for the Central Authority of the requesting State and, under (e), the file number linked to the application.</u>	<u>- Under (e), make sure to include the file number of the Central Authority of the requesting State. Other numbers (e.g. the iSupport number) can be included here as well.</u>	<u>Practical Handbook for Caseworkers</u> <u>- Paras 917-918</u>
<u>Section 2 (a)-(e)</u>	<u>Information of the contact person in the requesting State</u>	<u>This section provides the name and contact details of the person or unit from the Central Authority, or a public body or competent authority, of the requesting State (the State sending the application) who is responsible for the application and who can be contacted for follow-up purposes.</u>	<u>Complete this section with information about the person to be contacted once the requested State has received the application. The information included in this section will be used by the Central Authority of the requested State for future communication. This person may be different from the person who fills out the Form.</u>	<u>- The Contact Person should be someone at the Central Authority or at the authority where the application is being processed (i.e., the public body or competent authority).</u> <u>- Under (e), include the language if this is important for case communication.</u>	<u>The Convention</u> <u>- Art. 12(5)(a)</u> <u>- Art. 44(3)</u> <u>- Art. 62(1)</u> <u>Explanatory Report</u> <u>- Paras 335-336</u> <u>- Paras 630-631</u> <u>- Paras 710-711</u> <u>Practical Handbook for Caseworkers</u> <u>- Paras 192-198</u> <u>- Paras 425-430</u>
<u>Section 3</u>	<u>Address of the requested Central Authority</u>	<u>This section should be filled out with information about the Central Authority of the requested State (the State receiving the application).</u>	<u>This information can be found on the HCCH list of Central Authorities.</u>		<u>The Convention</u> <u>- Art. 4(3)</u> <u>- Art. 57</u> <u>Explanatory Report</u> <u>- Paras 92-94</u> <u>Practical Handbook for Caseworkers</u> <u>- Paras 81-84</u>

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 4</u>	<u>Grounds for the request</u>	<u>This indicates the grounds for the application being made.</u>	<u>Tick the box which indicates why the application is being made. Only one box can be ticked.</u>	<u>-</u>	<u>The Convention</u> <u>- Arts 6(2)(b), (c), (g), (h), (i) and (j)</u> <u>- Art. 7(1)</u> <u>Explanatory Report</u> <u>- Paras 191-204</u> <u>Practical Handbook for Caseworkers</u> <u>- Paras 50-51</u> <u>- Paras 81-84</u>
<u>Section 5</u>	<u>Potential applicant</u>	<u>The potential applicant is the person who would eventually make the application under Article 10.</u>	<u>Tick the box that describes the potential applicant.</u>	<u>- The person for whom maintenance would be sought or is payable refers to the creditor.</u> <u>- If the potential applicant is the debtor, it is likely the request would be about an existing maintenance decision. The application would then be for either recognition or modification.</u>	<u>The Convention</u> <u>- Art. 3(a) and (b)</u> <u>- Art. 10(1) and (2)</u> <u>Practical Handbook for Caseworkers</u> <u>- Paras 899-901</u>

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 6.1</u>	<u>Specific measures that are being requested – locating the debtor or creditor</u>	<u>This section should be filled out when requesting information under Article 6(2)(b).</u>	<u>Tick the box if the request is to locate the debtor or the creditor.</u> <u>Only one box should be ticked.</u>	<ul style="list-style-type: none"> - If the potential applicant under Section 5 is the creditor, the information request will be for the debtor. - If the potential applicant under Section 5 is the debtor, the information request will be for the creditor, i.e. the second through fourth boxes. 	<u>The Convention</u> <ul style="list-style-type: none"> - Art. 6(2)(b) <u>Explanatory Report</u> <ul style="list-style-type: none"> - Paras 135-141 <u>Practical Handbook for Caseworkers</u> <ul style="list-style-type: none"> - Para. 906
<u>Section 6.2</u>	<u>Specific measures that are being requested – obtaining relevant financial information</u>	<u>This section should be filled out when requesting information under Article 6(2)(c).</u>	<u>Tick each of the first-level boxes that apply if the request is to obtain financial information: income, assets, location of assets, and other financial circumstances. Complete the details in each section.</u> <u>Provide additional information on the final line under “please specify”. This applies if any boxes for “other financial circumstances” have been ticked. Make sure to attach the additional information to the application.</u>	<ul style="list-style-type: none"> - If the potential applicant under Section 5 is the creditor, the information request will be for the debtor. - If the potential applicant under Section 5 is the debtor, the information request will be for the creditor, i.e. the second through fourth boxes under each section. 	<u>The Convention</u> <ul style="list-style-type: none"> - Art. 6(2)(b) <u>Explanatory Report</u> <ul style="list-style-type: none"> - Paras 142-147 <u>Practical Handbook for Caseworkers</u> <ul style="list-style-type: none"> - Para. 907

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
Section 6.3	Specific measures that are being requested – obtaining documentary or other evidence	This section should be filled out when requesting information under Article 6(2)(g).	Tick each of the boxes that apply if the request is for the obtaining of documentary or other evidence.	- It is good practice to check the Country Profile, Part II(5)(f), of the State to which the Article 10 application will be targeted to see what information or documents will be required.	The Convention - Art. 6(2)(g) Explanatory Report - Paras 163-169 Practical Handbook for Caseworkers - Para. 908
Section 6.4	Specific measures that are being requested – establishing parentage	This section should be filled out when requesting information under Article 6(2)(h).	Tick each of the boxes that apply if the request is for assistance in establishing parentage.	- It is good practice to check the Country Profile, Part II(5)(f), of the State to which the Article 10 application will be targeted to see what information or documents will be required.	The Convention - Art. 6(2)(h) Explanatory Report - Paras 170-175 Practical Handbook for Caseworkers - Para. 96 - Para. 909
Section 6.5	Specific measures that are being requested – institution of proceedings for provisional measures	This section should be filled out when requesting information under Article 6(2)(i).	Detail the provisional measure that is being sought.	- The measure must be provisional (meaning interim or temporary) and territorial (meaning confined to the State which takes the measure). - The request must justify why the measure is necessary for the recovery of maintenance. - A maintenance application must be pending at the time this request is made.	The Convention - Art. 6(2)(i) Explanatory Report - Paras 176-181 Practical Handbook for Caseworkers - Para. 910

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 6.6</u>	<u>Specific measures that are being requested – service of documents</u>	<u>This section should be filled out when requesting information under Article 6(2)(j).</u>	<u>Detail and attach the documents for which service is required.</u>	-	<u>The Convention</u> - <u>Art. 6(2)(j)</u> <u>Explanatory Report</u> - <u>Paras 182-185</u> <u>Practical Handbook for Caseworkers</u> - <u>Para. 911</u>

Section 7	Particulars of the potential applicant	<p>The potential applicant is the person who will make the Article 10 application. This may be a creditor, the representative of a creditor, a public body, a debtor, or the representative of a debtor.</p> <p>For a public body to be a creditor, it must either be acting in place of an individual:</p> <p>i. to whom maintenance is owed, or</p> <p>ii. to which reimbursement is owed for benefits provided in place of maintenance.</p>	<p>If the Article 40 box is ticked at the beginning of the form, <i>do not</i> complete this section, and make sure to provide the information from Sections 7 (d), (e), (f), & (g) in the Restricted Information part of this Form.</p> <p>Tick the box that describes the potential applicant, and then complete their details. A date of birth does not need to be provided if the potential applicant is a representative of the creditor or debtor.</p> <p>If the potential applicant is a public body, tick the first box.</p>	<p>- The information in this section will be used to set up the case or file, and for communication about the application.</p> <p>- The first tick box refers to the person for whom maintenance would be sought or is payable. This person would be the creditor, who may be a parent, a caregiver, or the child, depending upon the processes in the requesting State.</p> <p>- The address of the potential applicant in Section 7(d) may be the address of the requesting Central Authority. This may happen when the potential applicant's address cannot be provided under domestic law.</p> <p>- Try to distinguish family name(s) and given name(s). This helps in cases that include compound family names (i.e. a double surname). E.g. "Andrew Lloyd Webber" where "Lloyd Webber" is the surname, or "Juan Pablo García" where the given name is "Juan Pablo".</p> <p>- A public body may seek recognition or enforcement of:</p> <p>i. a decision rendered against a debtor on the application of a public body which claims payment of benefits provided in place of maintenance, or</p>	<p>The Convention</p> <p>- Art. 6(3)</p> <p>- Art. 11(1)(b)</p> <p>- Art. 36</p> <p>Explanatory Report</p> <p>- Paras 186-189</p> <p>- Para. 235</p> <p>- Paras 290-293</p> <p>- Paras 588-599</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 69-71</p> <p>- Para. 87</p> <p>- Paras 122-125</p> <p>- Paras 176-182</p> <p>- Para 919</p>
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<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
				ii. <u>a decision rendered between a creditor and debtor to the extent of the benefits provided to the creditor in place of maintenance.</u>	

Section 8	Particulars of the person(s) for whom maintenance would be sought or is payable	This information is about the person who would be seeking maintenance or to whom maintenance is payable (i.e. the creditor).	<p>Tick the box under Section 8.1 if the potential applicant is the person for whom maintenance would be sought or is payable and complete the information about the relationship.</p> <p>Tick the box under Section 8.2 if the maintenance will be for children and complete the details.</p> <p>Tick the box under Section 8.3 if the maintenance will be for someone other than the potential applicant or a child and complete the details.</p> <p>Tick the box under Section 8.4 if the maintenance will be for more than three children or additional persons, and make sure to attach the additional information to the application.</p> <p>If the potential applicant is a public body, tick the box under 8.1. Also tick the box under "other" and indicate:</p> <p>i. whether maintenance is owed, or whether seeking reimbursement, and</p> <p>ii. the relevant domestic law and provision under which it is acting.</p>	<p>- The person for whom maintenance would be sought or is payable is the creditor, and may be a parent, caregiver, or child, depending upon the processes in the requesting State.</p> <p>- If the potential applicant is a creditor who is a parent or caregiver, tick the box under Section 8.2.</p> <p>- If there are multiple persons who will seek maintenance, the details of each person should be provided.</p> <p>- Make sure to include the date of birth for all children. This helps the Central Authority determine if the Convention applies to them, i.e. whether they are under the age of 21, or 18 (depending on the country).</p> <p>- The maintenance bases of parentage, marriage, grandparent, sibling and grandchild all have their ordinary meaning. The other options are:</p> <p>i. <u>Affinity</u>. This is where the relationship between the applicant and the debtor is based on family ties, e.g. the debtor is an uncle or other relative.</p> <p>ii. <u>In loco parentis</u> or equivalent relationship. This is where an adult stands in the place of a</p>	<p>The Convention</p> <p>- Art. 3(a)</p> <p>- Art. 6(3)</p> <p>- Art. 36</p> <p>Explanatory Report</p> <p>- Paras 588-599</p> <p>Practical Handbook for Caseworkers</p> <p>- Paras 85-87</p> <p>- Paras 122-125</p> <p>- Para. 920</p>
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<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
				<p><u>parent, in relation to a child. This would include a step parent relationship. It is to be determined by the law of the requesting State.</u></p> <p><u>iii. Analogous relationship to marriage (in some States, this is referred to as a common law marriage). This is where the parties were not married to each other but lived in a marriage-like relationship.</u></p> <p><u>- Maintenance on the basis of affinity, grandparent, sibling and grandchild relationships and analogous relationship to marriage will only apply where both the requested and requesting States have extended the application of the Convention to these types of relationships.</u></p> <p><u>- When a public body provides the extra information under "other" this pre-empts the request under Art. 36(4).</u></p>	

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 9.1</u>	<u>Particulars of the debtor</u>	<u>This information is about the person who owes maintenance.</u>	<p><u>If the potential applicant is the creditor or the representative of the creditor, complete the information under Section 9.1 with the details of the debtor. Do not tick the box under Section 9.1.</u></p> <p><u>If the potential applicant is the debtor, check the tick box under Section 9.1. Do not complete the information under Section 9.1.</u></p> <p><u>If the potential applicant is the representative of the debtor, complete the information under Section 9.1 with the details of the debtor. Do not tick the box under Section 9.1.</u></p>	-	<u>The Convention</u> - <u>Art. 3(b)</u> <u>Practical Handbook for Caseworkers</u> - <u>Paras 88-89</u> - <u>Para. 921</u>
<u>Section 9.2</u>	<u>Particulars of the representative of the person for whom maintenance is sought or is payable</u>	<u>This section provides information about the representative of the person for whom maintenance is sought or payable.</u>	<u>Complete this section only if the potential applicant is the debtor or the representative of the debtor.</u>	- <u>The representative may be a legal representative or an adult who has care of the child.</u>	

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 9.3</u>	<u>Particulars of the potential respondent</u>	<u>This section provides information that may assist with location of the potential respondent.</u>	<u>Provide the information requested to the extent known.</u>	<ul style="list-style-type: none"> - If the identification number of the person is known, this should also be included in Section 9.3(a). This personal identification number could be, <u>e.g.</u> a Social Security Number (in the United States of America), a Social Insurance Number (in Canada), or a Tax File Number (in Australia). - Try to complete this section to the best of available knowledge. This includes providing all known information in Section 9.3(b), <u>e.g.</u> information about an employer or relatives. The purpose of this section is to provide contact information to locate the debtor. - The potential respondent may be the creditor or the debtor depending on the application. - It would be useful to include information about the nationality of the respondent. 	
<u>Section 10</u>	<u>Documents included with the form</u>	<u>This is a list of all the documents that may be included in support of the request.</u>	<u>Detail and attach the documents which support your request.</u>	-	<u>Practical Handbook for Caseworkers</u> - <u>Para. 922</u>

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 11</u>	<u>Attestations</u>	<u>This is filled out by either the potential applicant or the Central Authority to confirm the form is completed.</u>	<u>If a potential applicant has completed the form, they should tick the first box.</u> <u>If a Central Authority has completed the form, they should tick the second box.</u> <u>Once all information has been checked and the person completing the form is satisfied it complies with the Convention, the final box should be ticked.</u>	-	<u>The Convention</u> - <u>Art. 12(2)</u> <u>Explanatory Report</u> - <u>Paras 322-326</u>
<u>Authentication</u>		<u>This information is required in lieu of a signature.</u>	<u>The authorised representative from the Central Authority must enter his or her name, and date the Form.</u>	- <u>The Form does not need to be signed.</u> - <u>The “Authorised representative of the Central Authority” in this section is the person who completes the form. This may be the same as the “Contact person” in Section 2.</u>	<u>The Convention</u> - <u>Art. 12(3)</u> <u>Practical Handbook for Caseworkers</u> - <u>Paras 203-204</u>
<u>Restricted Information Form</u>	<u>Restricted information when a determination has been made under Art. 40</u>	<u>This information is what would have been included in Sections 7(d), (e), (f), & (g).</u>	<u>Complete this information according to the instructions for Sections 7(d), (e), (f), & (g).</u>	- <u>This Form must be completed if the Art. 40 determination has been made.</u>	<u>Practical Handbook for Caseworkers</u> - <u>Paras 928-930</u>

XIV. Request for Specific Measures Response Form

41. The Request for Specific Measures Response form is a recommended form that can be used in response for a request for specific measures made under Article 7(1).

42. The provision of assistance in response to such a request is discretionary, and the requested State will determine what measures will be undertaken in response.²⁶

43. The information that can be obtained is subject to law of the requested State and will depend on the information sources and registers to which the requested Central Authority has access. Therefore, the obtained information about income and / or assets may not give a complete picture.

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Preamble</u>	<u>Confidentiality and personal data protection notice</u>	<u>Information should not be disclosed or confirmed if it could jeopardise the health, safety or liberty of a child, the potential applicant, the potential respondent, or any other person.</u>	<u>Tick the box at the beginning of the Form if there is a determination made by a Central Authority that the disclosure or confirmation of the information gathered or transmitted in the application could create a risk.</u> <u>The requested Central Authority should independently consider whether Article 40 applies.</u>	<u>- If the applicant has indicated a concern about disclosure to the Central Authority of the requesting State, this concern should be taken into account by the Central Authority of the requested State when completing the Form.</u> <u>- In addition to any concerns regarding the applicant or child, ensure that any concerns relating to the respondent's health, safety, or liberty are also considered.</u>	<u>The Convention</u> <u>- Arts 38, 39 & 40</u> <u>Explanatory Report</u> <u>- Para. 286</u> <u>- Paras 605-613</u> <u>Practical Handbook for Caseworkers</u> <u>- Paras 118-119</u> <u>- Paras 205-211</u>

²⁶ Handbook, para 49.

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 1 (a)-(e)</u>	<u>Information of the requested Central Authority</u>	<u>This section identifies the Central Authority in the requested State (the State that received the application) and the file number for follow-up purposes.</u>	<u>Complete this section with general contact information about the Central Authority of the requested State, and under (e), the file number linked to the application.</u>	<u>- Under (e), make sure to include the file number of the Central Authority of the requested State. Other numbers (e.g., the iSupport number) can be included here as well.</u>	
<u>Section 2 (a)-(e)</u>	<u>Information of the contact person in the requested State</u>	<u>This section provides the name and contact details of the person or unit from the Central Authority, or a public body or competent authority, of the requested State (the State that received the application) who is responsible for the application and who can be contacted for follow-up purposes.</u>	<u>Complete this section with information about the person who is responsible for the application. The information included in this section may be used by the Central Authority of the requesting State for future communication. This person may be different from the person who fills out the Form.</u>	<u>- Under (e), include the language if this is important for case communication purposes.</u>	<u>The Convention</u> - <u>Art. 44(3)</u> - <u>Art. 62(1)</u> <u>Explanatory Report</u> - <u>Paras 329-330</u> - <u>Paras 630-631</u> - <u>Paras 710-711</u> <u>Practical Handbook for Caseworkers</u> - <u>Paras 192-198</u>
<u>Report Date</u>	<u>Information on the Report Date</u>	<u>The Response form can be used to report on initial steps, or to provide updates about the request. Indicating whether this is a first report or a later report helps the requesting State to keep its records.</u>	<u>Tick the box to indicate if this is the first report that the requested State has provided, or if it is a subsequent report. If it is a subsequent report, include the date of the <i>last</i> report.</u>	<u>- It is important to include the date of the last report. This is not the date of the current report.</u>	<u>—</u>

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 3 (a)-(d)</u>	<u>File identification including details of potential parties</u>	<u>This section identifies which request the response is about.</u>	<u>Complete this section with information about the potential applicant or public body, the person for whom support would be sought or is payable, and the debtor. This information can be based on the incoming request form.</u>	<u>- Make certain that the information in this section matches the incoming request form. This will make sure there is no confusion about the request being considered.</u>	
<u>Section 4.1</u>	<u>Measures that have been taken – locating the debtor or creditor</u>	<u>This section should be filled out when information was requested under Article 6(2)(b).</u>	<u>Tick the boxes for each measure that has been taken and specify the relevant information.</u>	<u>-</u>	<u>The Convention</u> <u>- Art. 6(2)(b)</u> <u>Practical Handbook for Caseworkers</u> <u>- Para. 949</u>
<u>Section 4.2</u>	<u>Measures that have been taken – obtaining relevant financial information</u>	<u>This section should be filled out when information was requested under Article 6(2)(c).</u>	<u>Tick the boxes for each measure that has been taken and attach the relevant information.</u>	<u>-</u>	<u>The Convention</u> <u>- Art. 6(2)(c)</u> <u>Practical Handbook for Caseworkers</u> <u>- Para. 950</u>
<u>Section 4.3</u>	<u>Measures that have been taken – obtaining documentary or other evidence</u>	<u>This section should be filled out when information was requested under Article 6(2)(g).</u>	<u>Tick the boxes for each measure that has been taken and attach the relevant documentary or other evidence that has been obtained.</u>	<u>-</u>	<u>The Convention</u> <u>- Art. 6(2)(g)</u> <u>Practical Handbook for Caseworkers</u> <u>- Paras 951-952</u>

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 4.4</u>	<u>Measures that have been taken – establishing parentage</u>	<u>This section should be filled out when information was requested under Article 6(2)(h).</u>	<u>Tick the boxes for each measure that has been taken and attach the relevant information.</u>	<u>–</u>	<u>The Convention</u> <u>- Art. 6(2)(h)</u> <u>Practical Handbook for Caseworkers</u> <u>- Para. 96</u> <u>- Para. 953</u>
<u>Section 4.5</u>	<u>Measures that have been taken – institution of proceedings for provisional measures</u>	<u>This section should be filled out when information was requested under Article 6(2)(i).</u>	<u>Tick the box if proceedings have been initiated and attach the relevant information.</u>	<u>–</u>	<u>The Convention</u> <u>- Art. 6(2)(i)</u> <u>Practical Handbook for Caseworkers</u> <u>- Para. 954</u>
<u>Section 4.6</u>	<u>Measures that have been taken – service of documents</u>	<u>This section should be filled out when information was requested under Article 6(2)(j).</u>	<u>Tick the box if service has been initiated and attach the relevant information.</u>	<u>–</u>	<u>The Convention</u> <u>- Art. 6(2)(j)</u> <u>Practical Handbook for Caseworkers</u> <u>- Para. 955</u>
<u>Section 5</u>	<u>Additional information concerning the measures</u>	<u>This section should include any other relevant information concerning the measures that have been taken by the requested State.</u>	<u>Tick the box if there is additional information and attach all relevant documents.</u>	<u>- Include anything that may be relevant under Section 4.</u>	
<u>Section 6</u>	<u>Request not fulfilled</u>	<u>This section should be completed if the request for specific measures is not fulfilled.</u>	<u>Tick the box if the requested Central Authority is unable to provide the requested measure and include reasons.</u>	<u>–</u>	

<u>Section</u>	<u>Description</u>	<u>Explanation</u>	<u>Instructions for Completion</u>	<u>Comments / Practical Tips</u>	<u>See Also</u>
<u>Section 7</u>	<u>Request for additional information</u>	<u>This section allows the requested State to ask the requesting State for more information or documentation to process the request.</u>	<u>Tick the box if more information or documentation is required. Include an explanation of what is needed.</u>	<u>- Even if more information is needed, the requested State should continue to process the request to the extent possible.</u>	<u>—</u>
<u>Section 8</u>	<u>Request not processed by Central Authority</u>	<u>This section is used if the Central Authority in the requested State has refused to process the request.</u>	<u>Tick the box if the Central Authority refused to process the request because the requested measures are not necessary to assist the potential applicant in making an Article 10 application.</u>	<u>- Whether a request will be granted is discretionary and dependent on the law of the requested State.</u>	<u>Practical Handbook for Caseworkers</u> <u>- Para 945</u> <u>- Para. 956</u>
<u>Authentication</u>		<u>This information is required in lieu of a signature.</u>	<u>The authorised representative from the Central Authority must enter his or her name, and date the Form.</u>	<u>- The Form does not need to be signed.</u> <u>- The “Authorised representative of the Central Authority” in this section is the person who completes the form. This may be the same as the “Contact person” in Section 2.</u>	<u>The Convention</u> <u>- Art. 12(3)</u> <u>Practical Handbook for Caseworkers</u> <u>- Paras 203-204</u>