

Title	Summary of Responses to Prel. Doc. No 6 and further elaboration of a statistical report under the 2007 Child Support Convention
Document	Prel. Doc. No 10 of July 2020
Author	Permanent Bureau (PB)
Agenda item	TBD
Mandate(s)	C&D Nos 22-24 of the 2020 CGAP
Objective	<p>– To summarise responses received from Members of HCCH to Prel. Doc. No 6 of April 2020 and survey Members on what could be “core” and “non-core” statistical indicators that would form part of a statistical report under the 2007 Child Support Convention</p> <p>– Members are invited to complete the table included in this document and return it to the PB by 11 September 2020.</p>
Action to be taken	<p>For Approval <input type="checkbox"/></p> <p>For Decision <input checked="" type="checkbox"/></p> <p>For Information <input type="checkbox"/></p> <p>For Discussion <input checked="" type="checkbox"/></p>
Annexes	N.A
Related documents	<p>– Prel. Doc. No 1 of August 2019 – Questionnaire on the practical operation of the <i>Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance</i></p> <p>– Prel. Doc. No 3 of March 2020 – Planning for the First Meeting of the Special Commission</p> <p>– Prel. Doc. No 6 of April 2020 – Possible statistical report under the 2007 Child Support Convention</p>

I. Introduction

1. The *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (the 2007 Child Support Convention) highlights in its preamble the “need for procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair”. Meaningful statistical data would enable to assess the degree to which these objectives are achieved and the effectiveness of the Convention. Such data would also provide useful information to be presented to prospective Parties when they consider joining.

2. Preliminary Document No 6 of April 2020¹ provided examples of collecting statistical data under other HCCH Conventions and a European Regulation with a view to highlighting the potential of statistical reports. The document proposed a few core indicators that could be used to assess some of the objectives highlighted above as the basis for a statistical report under the 2007 Child Support Convention:

- Number of cases. Over a number of years, this could assist with the assessment in a given State of a specific promotion campaign, the introduction of online applications or a policy introducing free cross-border transfer of funds to all debtors;
- Type and number of applications under Article 10;
- Length of time between application and establishment of a decision / modification of a decision / beginning of enforcement. This indicator could, for instance, help assess the use of information technology for certain areas of a child support programme;
- Number and types of requests for specific measures under Article 7;
- Types of enforcement measures and percentage of cases subject to such enforcement measures. This could allow Contracting Parties to identify which enforcement measures provide the most reliable and timely outcomes.

3. The annex to Preliminary Document No 6 also added a more detailed breakdown of statistics, including:

- Detail of requests for specific measures under Article 7 and their outcome;
- Detail of the different applications under Article 10 and their outcome;
- Money recovered as incoming payments or outgoing payments. Calculating the annual amount of child support recovered against the resources invested for such recovery would help to demonstrate the cost-effectiveness of a given child support programme.

4. HCCH Members were invited to express their preference for a single approach, based on the comprehensive model report included in the annex to Preliminary Document No 6, or a two-stage approach, with first the core indicators as described above in paragraph 2 and, at a later stage, the more detailed set of indicators. In either scenario, Members were also invited to indicate whether they would add or subtract any indicator.

¹ Prel. Doc. No 6 of April 2020, “Possible statistical report under the 2007 Child Support Convention” (available on the HCCH website at < www.hcch.net > under Child Support Section)

II. Response to Preliminary Document No 6

5. As of 25 June 2020, 16 States had replied to Preliminary Document No 6.² Among those which were able to give consideration to the matter, 10 States indicated their preference for the two-stage approach, whereas the single stage approach was favoured by 4 States.

6. Regarding the number of indicators, three States answered that they would be content, during a first stage, with the indicators listed in paragraph 1 above. Two other States suggested keeping only the indicators pertaining to the number of cases, the type and number of applications under Article 10 and the type and number of requests for specific measures under Article 7. Several States also remarked that they were not in a position to provide information on payments – the difficulty for some Central Authorities to obtain information on enforcement measures was also emphasised, while one State remarked that information on payments could be collected from creditors. One State suggested to limit collection of data to outgoing, incoming and total requests per State, under Articles 7 and 10. In terms of information that could be added, one State suggested to record the number of applications that are rejected. It can be noted that analysis of the different Status of Applications Reports provided for each Application under Article 10 would provide that data (recommended forms for the 2007 Convention). Among States in favour of a single-stage approach, one State suggested to add information to the Table on Payments on “total owed per year”, “total including arrears” and “total paid per year” as well as information on currency. The same State also suggested adding the following possible outcomes to applications under Article 10: “delays in the requesting State”, “delays in the requested State”, “Amicable solution found” and “Enforcement not needed. No chance of success”. In this example, it seems that sharing information on outcomes would also be facilitated by the use of the list of outcomes provided in the different Status of Applications Reports.

7. In their other comments, several States highlighted the need for the data to be simple and accessible enough so that they can be provided by most Parties in order to allow for significant sharing of experience. Several respondents emphasised the necessity to agree on clear definitions. In this respect, the distinction between cases and applications was also mentioned by several States. In the context of iSupport, a case is defined as concerning the same debtor and person(s) for whom maintenance is sought and involving the same requesting and requested States. There can be several applications as part of a same case. In the 2007 Child Support Convention, applications are defined as applications available to creditors (Art. 10(1)) and to debtors (Art. 10(2)). It stems from this that data could be collected on the number of active cases that a Central Authority has, whereas data on applications would be collected as new applications over a designated period of time. One State suggested that information be collected on the number of children involved in the applications, with one State also remarking that it is recording how many children it has sent or received applications for, not how many applications it manages. These data could be provided by iSupport, as the database records children as such, along with their involvement in iSupport cases.

8. Also in relation to definitions, six States mentioned the outcomes of requests for specific measures and the moment when enforcement begins. Regarding the latter, it can be noted that the recommended form “Status of Application Report” for enforcement applications lists the following events:

- On _____ (dd/mm/yyyy) the application was sent to the competent authority for enforcement;
- On _____ (dd/mm/yyyy) the competent authority issued a decision allowing enforcement;
- Enforcement and other measures initiated (with a list of measures under Article 34).

² Australia, Belgium, Brazil, Bulgaria, Canada, Croatia, Finland, Germany, Luxembourg, Norway, Poland, Portugal, Sweden, Switzerland, United Kingdom, United States of America

9. Finally, the precise period over which data would be collected was also mentioned by two States. To account for the processing time of applications, one State suggested to express durations in months instead of days. However, expressing durations in days does not create any conversion issues into weeks or months. It is also the solution adopted in iSupport. As one State pointed out, it is also likely that some applications will be processed over two or more calendar years – if only to account for an application that would be received towards the end of the calendar year. When collecting data about the outcomes of application, it is therefore important to be able to link the event occurring to the application with a specific date as done in iSupport.

III. Possible way forward

10. In their replies, several of the authorities surveyed noted the benefits of a standardised statistical report in terms of experience sharing and contribution to the improvement of processes. One authority in particular noted the identification of “practical and concrete issues and challenges”. The replies point towards a “core” report that could be completed by most Central Authorities and would include:

- Current number of active cases;
- New outgoing and incoming applications under Article 10 over a calendar year (by type of applications);
- New outgoing and incoming requests for specific measures under Article 7 over a calendar year.

11. In order to determine what could be included in a “core” part of a statistical report and what could form the basis of a “non-core” or “optional” part of a statistical report, Member States of the HCCH are invited to indicate, **by 11 September 2020**, using the below table, their situation regarding the different types of data that could be collected.

		Could be provided as of today	Not available	Collected by other bodies in the State which do not routinely pass on information to the CA	Would like to track in future
General	Total number of active cases (at the point in time where the report is issued)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Number of active cases (detail per country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Number of children involved in applications under Article 10 and requests under Article 7 in a calendar year	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 10	New outgoing and incoming applications over a calendar year (by type of application)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New outgoing and incoming applications over a calendar year (by type of application, detail per country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Detail of outcomes (see detailed lists in status reports)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Could be provided as of today	Not available	Collected by other bodies in the State which do not routinely pass on information to the CA	Would like to track in future
	Detail of enforcement measures under Article 34 (as requested State only)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Average duration in days between receipt of application and establishment of a decision, modification of a decision and decision sent to enforcement authority **	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 7	New outgoing and incoming requests for specific measures over a calendar year (no detail on type of request)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New outgoing and incoming requests for specific measures over a calendar year (detail per country)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	New outgoing and incoming requests for specific measures over a calendar year (detail on type of request)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Detail on outcomes (see detailed list in draft Response form, Prel. Doc. No 9 ³)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 34	Enforcement measures and percentage of use (as requested State only)*	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Article 6(f)	Total owed including arrears (at the point in time when the report is issued)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total transferred abroad (per calendar year)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Total received from abroad (per calendar year)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Detail on the three indicators above in currency	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

* Data linked with the year of introduction of the application or request

** Period of data collection to be determined

³ "Request for Specific Measures & Response (Art. 7(1))", Prel. Doc. No 9 of July 2020, available on the HCCH website at < www.hcch.net > under the Child Support Section.