

Title	Working Practices of Central Authorities under Articles 5 and 6 of the 2007 Convention
Document	Prel. Doc. No 8 of November 2021 (fourth revised version)
Author	PB
Agenda item	TBD
Mandate(s)	C&D No 22 of the 2020 CGAP and Prel. Doc. No 3 of November 2020
Objective	To seek comments from Members and Contracting Parties by 25 February 2022 . Members and Central Authorities are invited to focus on the track changes reflecting the updates made since the fourth circulation of the document on 13 July 2021. An amended version of this document will then be re-circulated to be submitted to the SC 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	Selected statistics under the 2007 Convention and other international instruments for incoming and outgoing cases (based on responses to Questions 1 and 2 of Prel. Doc. No 1 of August 2019)
Related documents	– 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> – Prel. Doc. No 3 of November 2020 – Planning for the First Meeting of the Special Commission

I. Introduction

1. The working practices included in this document are intended to assist Central Authorities in Contracting Parties, or States which interested in becoming parties, in the practical application and implementation of the HCCH *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (hereinafter the “Convention”) in relation to the obligations of Central Authorities.

2. Information has been drawn from 31 Country Profiles,¹ completed by 30 Contracting Parties as of November 2020,² which have utilised the country profile form under Article 57(2) of the Convention.³ Using both the “check-box” and written answers, the Permanent Bureau has analysed the responses and summarised the working practices used by States in order to provide Contracting Parties and States considering becoming Party-Parties with an overview of how the Central Authority system operates under the 2007 Convention.⁴

3. This information is a summary of how States have chosen to operate their own Central Authority(ies). It is important to note that each Contracting State will have limitations in their available resources and domestic law as to how to operate and implement the Convention. This document is intended to provide an overview of examples of working practices and systems for the consideration of Contracting Parties and States considering becoming Party, and does not promote or prescribe any particular practice. It is important that Central Authority frameworks are developed in line with domestic law and other internal requirements.

4. Explanations relating to Article 6 are taken directly from the Explanatory Report.⁵ Hence, all necessary information with regard to the implementation of Article 6 can be found in this document.⁶ The Explanatory Report provides commentary on each provision of the Convention, and is aimed at providing information to the public as to the sense intended by the Diplomatic representatives for a particular instrument.⁷

¹ Austria, Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Nicaragua, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (England and Wales), United Kingdom (Northern Ireland) and United States of America. Please note that updates to the Country Profiles may have taken place since November 2020. Furthermore, some Contracting Parties may have changed their practices but may have not yet updated their Country Profiles accordingly. Finally, new Contracting Parties have joined the Convention since November 2020.

² The United Kingdom has a non-unified legal system. While it is considered as one Contracting Party, the United Kingdom (England and Wales) and the United Kingdom (Northern Ireland) have completed separate profiles.

³ These profiles are available on the HCCH website at < www.hcch.net > under the “Child Support” Section.

⁴ A number of States provided written responses which did not necessarily correspond with the check-box activity. This analysis includes both.

⁵ See A. Borrás and J. Degeling, “Explanatory Report on the 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance” available on the HCCH website at < www.hcch.net > under the “Child Support” Section.

⁶ Additional information with regard to the operation of Art. 6 can be found in the *Practical Handbook for Case Workers under the 2007 Child Support Convention*.

⁷ The Explanatory Report on the 2007 Convention was completed in November 2009 on a consensus basis further to two rounds of consultation with delegates present at the Twenty-First Session of the HCCH (see Twenty-First Session, Plenary Session, Minutes No 2, 22 November 2007, at para. 220).

II. Overview of Central Authorities

A. Summary from Explanatory Report

5. “Effective and efficient administrative co-operation is the cornerstone of this Convention for achieving a simple, low cost and rapid system for the international recovery of child support”⁸, as reflected in Article 1(a) of the Convention.⁹ The designation of a “Central Authority” to discharge the duties of States is a “focal point for international cooperation at the administrative level” and “play[s] the primary role in a system of cooperation”.¹⁰

6. The Convention also recognises that Contracting States may have a “constitutional division of powers between federal, provincial or autonomous regional governments [that] necessitates the flexibility to appoint multiple Central Authorities”.¹¹ Where there is more than one Central Authority, a Contracting State must still designate a principal Central Authority to which *any* communication can be addressed.¹² This “designation simplifies, clarifies and expedites the process of communication where one Contracting State has multiple Central Authorities ... Where there is any doubt, applications can always be sent to the principal Central Authority”.¹³

7. The obligations of Central Authorities are listed throughout the Convention, though primarily in Chapter II on Administrative Co-operation. The operative provisions are Article 5 – General functions of Central Authorities, and Article 6 – Specific functions of Central Authorities. While there are differences in the obligations created by each Article, in each, the obligations are mandatory to the extent permitted by the powers and resources of the Central Authorities and the domestic law of the State concerned.¹⁴

8. A request for specific measures may be made under Article 7, and Central Authorities may undertake the same functions under Article 6 in relation to an Article 7 request as they do for an application under Article 10.¹⁵ “A request for specific measures is a request for limited assistance rather than an application of the kind referred to in Article 10 (Available applications). The request will be made preliminary to, or in the absence of, a formal Chapter III application”.¹⁶ The Forms Working Group has finalised a draft recommended Request for Specific Measures and Recommended Response which is subject to consultation with HCCH Members.¹⁷

9. A specific measures request, under Article 7(1), “will be for ‘appropriate specific measures’, it must be supported by reasons, it can only be made in relation to one or more of the functions specified in Article 6(2) *b), c), g), h), i)* and *j)*, and no Article 10 application needs to have been made or be in preparation... The type and extent of assistance to be provided is such as is considered ‘appropriate’ in the requested State... [I]t is for the requested Central Authority to evaluate on the basis of the reasons given which measures are “appropriate” in the circumstances. The Central Authority thus has discretion to refuse assistance when it is not “satisfied” that the measures are necessary.”¹⁸ “[U]pon receipt of a request for specific measures, if satisfied of the connection to a possible Article 10

⁸ See A. Borrás and J. Degeling *op. cit.* note 5, para. 79.

⁹ *Ibid.*, para. 77.

¹⁰ *Ibid.*, para. 85.

¹¹ *Ibid.*, para. 88.

¹² Convention, Art. 4(2).

¹³ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 89.

¹⁴ *Ibid.*, para. 96.

¹⁵ To avoid any doubt, the functions set out in Article 6 will be undertaken by Central Authorities ~~as~~ for applications under Article 10 and requests under Article 7.

¹⁶ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 191. See also paras 193 and 194 for the possible situations in which a request for specific measures can be made by a Central Authority.

¹⁷ Recommended forms for Requests for Specific Measures and Response under Article 7(1) of the 2007 Child Support Convention Prel. Doc. No 9 of October 2020 (revised). ~~Members are invited to approve the forms by 20 November 2020.~~

¹⁸ *Ibid.*, para. 201.

application, a Central Authority is expected to take appropriate measures and provide a level of assistance and cooperation that is appropriate for that particular request and is in accordance not only with its own powers and resources, but also with its internal laws.”¹⁹ Article 7(1) is very clear, such measures as are appropriate will be taken by the requested Central Authority “if satisfied that they are necessary to assist a potential applicant in making an application under Article 10 or in determining whether such an application should be initiated”.

B. Analysis of Country Profiles

10. The Convention was drafted to allow flexibility in the way Central Authorities operate, with much discretion left to Contracting States. This has led to the development of a number of different systems.

11. The Country Profiles illustrate the different structures that Central Authorities may take. The Country Profile is used by Contracting Parties to fulfil their obligations under Article 57(1) and (2) of the Convention to provide, by the time they deposit their instruments of ratification or accession, information to the Permanent Bureau of the HCCH as to their laws and procedures concerning maintenance obligations, including a description of the measures they will take to meet the obligations under Article 6. It is important for Contracting Parties to keep their Country Profiles and contact information updated.²⁰

12. Under Article 6(3), the functions of the Central Authority may be performed by other public bodies. The main difference between State Central Authorities appears to be the extent to which functions are performed centrally, versus those that are performed by other bodies; this could also be described as a spectrum from decentralised to highly centralised. In the former case, the Central Authority allocates most tasks to public bodies or other bodies subject to the supervision of the competent authorities of that State.²¹ In the latter case, the Central Authority is involved in every aspect of application processing from beginning to end.

13. The following is a brief overview of Central Authorities as they operate in Contracting States, provided as examples of how the obligations under the Convention have been implemented. This information has been taken from the Country Profile as completed by each State.²²

14. An example of a highly centralised system is that of Norway. The Central Authority is also the competent authority and is responsible for most aspects of the process, including initiating proceedings, providing (free) legal and administrative assistance, locating a respondent within its territory, accessing and assessing financial circumstances of a debtor within its territory, collection and transfer of payments as the requested State, receiving and disbursing payments as the requesting State, and assisting in establishing parentage. Enforcement has been delegated to another public body under the Norwegian Tax Administration, which also acts as the requesting agency for requests from Norway under the Convention. In Norway, the Central Authority is also an administrative authority in accordance with Article 19(3) of the Convention that can render decisions in respect of maintenance obligations. Finally, the Central Authority (as the competent authority) is authorised to make decisions as to whether or not a request is eligible for enforcement in Norway.

15. Similarly, in the Netherlands, the Central Authority assists in providing legal assistance, locating a respondent within its territory, accessing and assessing financial circumstances of a debtor within its territory, enforcement, collection and transfer of payments as the requested State, and receiving and disbursing payments as the requesting State. It will seek a legal determination of parentage via judicial

¹⁹ *Ibid.*, para. 204.

²⁰ Country profiles are available on the HCCH website < www.hcch.net > under “Child Support” then “Country Profiles”.

²¹ See Convention, Art. 6(3).

²² At this point in the implementation of the Convention the examples of Central Authorities provided in this document are, with the exception of Brazil, mainly from European and North American States. It is hoped that a later publication of this document will reflect a wider geographical representation.

proceedings, but not coordinate voluntary genetic testing. However, in the Netherlands the Central Authority is not an administrative authority in accordance with Article 19(3) of the Convention which can render decisions in respect of maintenance obligations.

16. In Germany, in incoming cases the Central Authority is deemed to be authorised by law to take extrajudicial action or to initiate court action on behalf of the applicant. This includes not only communication with the parties and the requesting Central Authority but also the application for legal assistance and the subsequent litigation of maintenance cases in judicial proceedings. Moreover, the German Central Authority also initiates the enforcement of decisions (enforcement measures are executed by national enforcement bodies) and is responsible for the collection, supervision and transfer of payments. In outgoing cases its responsibilities may include the receipt of payments. The German Central Authority also provides assistance in locating a respondent (with its mandate limited by data protection law) and accessing financial circumstances of a debtor (however, it has to be noted that there is no central register in Germany that could be used to determine a debtor's income). If necessary, the German Central Authority can also assist in the coordination of genetic testing or seeking a legal determination in judicial proceedings.

17. In Slovenia, the Central Authority system is completely centralised. The Central Authority is responsible for all aspects of the process. This includes initiating proceedings for the recognition of foreign court decisions or court settlements and providing legal and administrative assistance in enforcement proceedings in all incoming cases. The Central Authority is also responsible for locating a respondent on its territory, accessing and assessing the financial circumstances of a debtor within its territory, carrying out extrajudicial debt recovery procedures, collecting and transferring payments (as the requested State), receiving and disbursing payments (as the requesting State), as well as providing necessary assistance and representation in determining maintenance. Where a direct transfer to the bank account of the creditor in Slovenia is not possible, for example, because of specific requirements of some States like the United States of America, the Central Authority is able to receive transfers from abroad to its own account.

18. In the United States of America, the Office of Child Support Enforcement ("OCSE") is the Central Authority, a federal agency based in Washington, DC. OCSE has designated state Title IV-D child support agencies (state child support agencies) as public bodies to perform functions related to applications under the Convention. Applications for Convention cases are transmitted and received at the state level. State child support agencies are responsible for initiating the appropriate proceedings in relation to those applications. State child support agencies perform these specific Convention functions subject to the supervision of OCSE. Reference is made to the Intergovernmental Reference Guide (IRG) on the OCSE website. The IRG contains current state specific information concerning the Convention obligations. OCSE does provide certain Article 6 functions. For example, it will assist in conducting locate searches using federal government databases. State child support agencies are responsible for providing or facilitating the provision of legal and administrative assistance, local location services, enforcement, collection and transfer of payments, and assistance in establishing parentage. Each state is different. Some use administrative processes to establish decisions and some use court processes. Some states may use third parties to assist with some enforcement activities. All provide a centralised service for the receipt and disbursement of child support payments. Issues such as the handling of legal assistance and court costs vary considerably from state to state.

19. In the United Kingdom, the three jurisdictions of England and Wales, Scotland and Northern Ireland operate separate systems under the Convention. In Northern Ireland, the Central Authority provides administrative assistance only. The Central Authority receives and processes any REMO applications. It monitors the case and instigates initial enforcement proceedings where appropriate. Legal assistance is provided (as required) by private solicitors, who are funded by the State for eligible parties. Some aspects of the payment of maintenance are dealt with by the Central Authority. In England and Wales, the Central Authority provides administrative assistance; applications are decided within the judicial system. The Central Authority acts as the contact point between the courts in England and Wales and the requesting Central Authority. Enforcement, collection and transfer of maintenance, establishment of parentage and proceedings for provisional measures are dealt with by

the courts. Where legal assistance is necessary, it is provided by private lawyers who can make an application to the Legal Aid Agency for state funded assistance for eligible applicants. For specific measures requests for location and financial circumstances information, the Central Authority is able to refer requests to designated public bodies for their assistance.

20. In Scotland,²³ the Central Authority provides administrative assistance only. The Central Authority sends the application to the court in the area where the debtor lives for registration. When notified of registration, the Central Authority refers the case to the Law Society of Scotland (professional body for the solicitors' branch of the legal profession). The Law Society allocates the case to a solicitor who takes forward the court proceedings and will apply for state funding when required. The Central Authority monitors the case and is kept informed of progress.

21. France conceives and organises its role as a facilitating body at the various stages of the recovery procedure. Upon receipt of an application, the Central Authority encourages amicable settlement through voluntary payment. If not successful, the Central Authority will contact the competent public body, since the Central Authority is not competent to initiate legal proceedings, and it will monitor the procedure. Its interlocutors in this context are:

- (i) The Directorate General of Public Finance (*Direction générale des Finances publiques*) (Directorate of the Ministry of Action and Public Accounts (*Direction du ministère de l'Action et des Comptes publics*)) to locate debtors and obtain information on their financial situation;
- (ii) The courts if a registration of the decision for enforcement or a declaration of enforceability on the national territory is necessary;
- (iii) The legal aid offices of the courts of justice to obtain legal assistance and the appointment of lawyers or bailiffs to carry out this work at no cost to the applicant;
- (iv) The bailiffs, judicial public officers who have the monopoly of ~~forced execution~~ compulsory enforcement in France.

The French Central Authority is thus a coordination point of contact which ensures the follow-up of all the aspects of the procedure by referral to the competent bodies and remains the single interlocutor of the requesting Central Authority until the enforcement of the court decision and the fulfilment of the maintenance debt.

22. In Bulgaria, the Central Authority operates in a way similar to the French Central Authority system.

23. In Brazil, while the Central Authority coordinates public policies for the implementation of the Convention, there is a system of cooperation with other public bodies to provide assistance in incoming cases. The Central Authority provides administrative and legal assistance, whilst legal representation is provided (as required) by state lawyers from the Public Defender of the Union (DPU). The Brazilian Central Authority assists with location requests, including conducting searches in databases that contain information from security, tax, employment, and traffic departments. It also assists the parties with mediation and with the obtention of public documents, where possible. Requests for information about the financial circumstances of a debtor, enforcement, obtention of a decision and establishment of parentage are referred to the DPU, which presents the request before the competent judicial authority. The DPU keeps the Central Authority informed about all steps of the proceedings. Transfer of payments is arranged by the parties, but usually the judicial decision includes an order for the collection of payments, like deductions from wages or withholding of bank accounts. In case of non-compliance, enforcement measures can be taken by the judge, the most severe of them being imprisonment of the debtor.

²³ At the time of writing, United Kingdom (Scotland) had not completed a Country Profile. Information included in this document has been provided directly by the Central Authority.

24. Poland has a rather unique structure where the Central Authority is designated for incoming applications while more than 40 regional courts have been designated to deal with outgoing applications. In Poland, the Central Authority provides only administrative assistance, with the substantive applications adjudicated within the judicial system. The Central Authority lacks authority to initiate proceedings and will refer matters to be performed to another relevant public body. It also refers locate requests, searches concerning financial information, enforcement, collection, establishment of parentage, and proceedings for provisional measures.

25. In Portugal, the Central Authority provides active assistance to the creditors or applicants in initiating and facilitating outgoing proceedings, by phone, letter, email or personal attendance (face-to-face). However, for incoming cases, it operates what can be described as a decentralised model. On the one hand, upon receiving an application, the Central Authority will encourage an amicable solution by voluntary payment. On the other hand, as it lacks authority to initiate legal proceedings (enforcement, collection and transfer of payments, and establishing parentage), it will defer to the Public Prosecutor for the institution of such proceedings in the courts, if the person for whom maintenance is owed is under 18 years old. For persons between 18 and 21 years old, the Central Authority will provide legal assistance to appoint a lawyer to the person for whom maintenance is owed, including for applicants over 21 years old that have benefited from legal assistance. However, the role of the Central Authority does not end, as it maintains supervision of the matter, making the bridge between national courts/lawyers and their counterparts, until the case is concluded. Portugal has a system of cooperation with public bodies (*e.g.* police, Tax Administration and Social Security Institute), in order to provide location information from their databases.

III. Article 5: General Functions of Central Authorities

A. Extract from Explanatory Report

26. “Article 5 lays down what must be done by Central Authorities in a general sense to achieve the objects of, and ensure compliance with, the Convention. Article 5 contains general functions which are imposed directly on Central Authorities, and cannot be performed by or delegated to other bodies”.²⁴

27. Article 5 “[p]aragraph *a*) requires both international and intra-national cooperation, that is, cooperation between the Central Authorities of Contracting States, as well as the promotion or encouragement of cooperation between authorities within each State. The nature of the cooperation envisaged by the words of this paragraph is not specified and may be anything that achieves the purposes of the Convention”.²⁵

28. Article 5 “[p]aragraph *b*) makes clear that Central Authorities must assist, as far as possible, in finding solutions for difficulties arising in the application of any part of the Convention”.²⁶ “Examples of the difficulties arising in the application of the Convention which Central Authorities could assist in resolving include: identifying legal or procedural problems within their own systems and proposing solutions to the appropriate authority; resolving problems within or between Central Authorities; resolving communication or liaison problems between national agencies or competent authorities; promoting more consistent application of the Convention through information sessions for judges, lawyers, administrators and others in the operation of the Convention”.²⁷

²⁴ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 96.

²⁵ *Ibid.*, para. 98.

²⁶ *Ibid.*, para. 102.

²⁷ *Ibid.*, para. 104.

B. Examples

29. Domestic practice and domestic law in each State will determine domestic case management practices, as the Convention covers only the international elements of child support. What is important, and required, is that the coordination with other States and with any authorities within the State is the responsibility of the Central Authority.

30. Broadly, the role of the Central Authority should cover (1) communication between Contracting Parties, and (2) communication with the individual who filed the application within the State. The former is regulated by the Convention, whereas the latter will be decided by the domestic legal and procedural requirements concerning how to provide information and assistance to applicants and potential applicants.

31. Examples of the role of the Central Authority in this context are largely driven by the nature of the assistance tasks provided by the Central Authority itself. For example, in Norway, as the Central Authority is the body that provides the majority of services, its obligations under Article 5 are more easily fulfilled as many of the services are delivered directly by the Central Authority.

32. In the United States of America, OCSE has designated all state child support agencies to perform many functions under Article 6 of the Convention. OCSE provides regulatory and programmatic oversight to the child maintenance programme.

33. In terms of cooperation between States with respect to individual cases, some Contracting Parties will utilise the iSupport system which has been developed in line with the Convention requirements to facilitate cross-border case management and secure communications between States.

IV. Article 6: Specific Functions of Central Authorities

34. In Article 6(1), the obligations upon Central Authorities are specific, but may be performed by Central Authorities, public bodies or by other bodies. They are also mandatory obligations. In Article 6(2) the obligations are specific, but the Central Authorities or bodies have more flexibility as to how the functions will be performed.²⁸ Despite this flexibility, there is an obligation to provide all types of services mentioned in sub-paragraphs (a) to (j) and to do everything possible to provide or arrange the provision of assistance requested given the resources of the Central Authority and the domestic law in place.

35. This document will address Article 6(1) briefly, then focus primarily on Article 6(2). It will consider each sub-paragraph in turn, including an analysis of Central Authorities' operation and implementation of the Convention as described in the Country Profiles.

Article 6, Paragraph 1 – Central Authorities shall provide assistance in relation to applications under Chapter III. In particular they shall –

A. Sub-paragraphs (a) and (b) – transmit and receive such applications and initiate or facilitate the institution of proceedings in respect of such applications.

1. Extract from Explanatory Report

36. "The placement of the mandatory functions of transmitting and receiving applications and initiating or facilitating proceedings in Article 6(1) is intended to give Contracting States the freedom

²⁸ *Ibid.*, para. 105.

to decide by which bodies these responsibilities should be carried out within their State, including the possibility that these tasks might be performed by bodies other than the Central Authorities".²⁹

37. "Paragraph 1 imposes two obligations. The first is an obligation on Central Authorities to provide general assistance with any of the categories of applications in Article 10 and any other procedures described in Chapter III. The second is an obligation to provide the specific forms of assistance which are listed in paragraph 1".³⁰ "It is intended that assistance from Central Authorities under Article 6 be restricted to those cases where requests (in Art. 7) or applications (in Art. 10) are made through Central Authorities".³¹

38. "In some States, the Central Authority itself has the power to commence the legal proceedings ("initiate"). In States whose authorities do not have this power, the Central Authority or designated authority or body must take steps to ensure that legal proceedings are initiated ("facilitate")".³² "When the Central Authority "facilitates" a function it means the Central Authority helps to bring it about or to make it happen by taking whatever steps are necessary, but does not usually perform the function itself. Some other person or body performs the function, usually upon the request of the Central Authority".³³

39. "The phrase "initiate or facilitate the institution of proceedings" creates the obligation on the Central Authority or designated body to act upon the applications received, subject to the procedural requirements of Article 12. In a court-based system, if an amicable solution has not been reached under Article 6(2) d), judicial proceedings may have to be instituted. The Central Authority may facilitate this process by requesting the appropriate body or person to initiate the proceedings. In an administrative system, the procedure in response to the application under Chapter III must be commenced. The obligation here is specifically to institute whatever proceedings are necessary, whether judicial or administrative, for the particular application in question".³⁴

2. Analysis of Country Profiles

40. The Country Profile questionnaire does not pose a question relating to Article 6(1)(a), and as such there is insufficient information to undertake any analysis.

41. States were asked how they initiate or facilitate the institution of proceedings in respect of applications under Article 6(1)(b) of Chapter III (Chapter III being the operative Chapter under which applications are made through Central Authorities).

a. Who is responsible for initiating applications?

42. In almost half of the States – 14 States³⁵ – the Central Authority has authority to initiate proceedings. In six States,³⁶ the Central Authority lacks authority, and will refer the matter to an appropriate public body. Finland has a hybrid system where the Central Authority will initiate proceedings in applications concerning recognition, recognition and enforcement, or enforcement (Art. 10(1)(a), (b) and 10(2)(a)), and will refer the matter to the appropriate public body with a request to initiate the proceedings in applications concerning establishment or modification (Art. 10(1)(d), (e), (f), 10(2)(b) and(c)). In those matters, the case remains open at the Central Authority and it supports the relevant authorities and parties where needed.

²⁹ *Ibid.*, para. 110.

³⁰ *Ibid.*, para. 111.

³¹ *Ibid.*, para. 112.

³² *Ibid.*, para. 116.

³³ *Ibid.*, para. 117.

³⁴ *Ibid.*, para. 118.

³⁵ Croatia, Czech Republic, Estonia, Germany, Italy, Latvia, Malta, Netherlands, Nicaragua, Norway, Slovakia, Slovenia, Spain and Sweden.

³⁶ Belarus, Cyprus, Lithuania, Poland, Portugal and United Kingdom (England and Wales, Scotland and Northern Ireland).

43. Of the States the processes of which did not fit into either category, seven States referred to some form of legal assistance or *pro bono* lawyer service.³⁷ In the United States of America, state child support agencies have been designated as public bodies and initiate proceedings.

Article 6, Paragraph 2 – In relation to such applications they shall take all appropriate measures –

B. Sub-paragraph (a) – where the circumstances require, to provide or facilitate the provision of legal assistance;

1. Extract from Explanatory Report

44. “The obligation imposed by sub-paragraph *a)* will not arise in every case. This is clear from the opening words “where the circumstances require”. When the circumstances do so require, the Central Authority or designated body must take steps to ensure that legal assistance is provided. If the Central Authority itself does not provide the service, it must take all appropriate measures to help to obtain it or to ensure that this service is provided by another body or person, to the extent permitted by the laws and procedures in the requested State”.³⁸

45. ““Legal assistance” is defined in Article 3 c). It is intended to be an all-encompassing term that may include any kind of legal help, advice or representation that will “enable applicants to know and assert their rights and to ensure that applications are fully and effectively dealt with in the requested State. Such help, advice or representation may include any legal steps needed in relation to functions listed in Article 6(2) such as locating a debtor’s assets, the taking of evidence and establishing parentage, including genetic testing if necessary, or in relation to enforcement measures referred to in Article 34”.³⁹

46. “The means of providing “legal assistance” may include as necessary “legal advice, assistance in bringing a case before an authority, legal representation and exemption from cost of proceedings”. “Legal assistance” of a general nature provided by a Central Authority could, for example, include:

- assistance in preparing an application or obtaining documents;
- assistance to the applicant in responding to requests from the requested State for more legal information;
- liaising with the applicant's legal representative in the requested State;
- exemption from court fees;
- access to mediation services.”⁴⁰

47. “Provision of “legal assistance” may include helping to obtain “legal representation”. This could mean having a lawyer, attorney or solicitor in the requested State to represent the applicant in and out of court; in legal proceedings or negotiations with the other party; or to provide legal advice specifically in relation to the conduct of the applicant’s case in the requested State”.⁴¹

48. “It is important to note that establishment of parentage (including genetic testing if necessary) is part of “legal assistance” which must be provided at no cost in child support cases, with few exceptions (see Art. 15(2))”.⁴²

³⁷ Austria, Belgium, Bulgaria, France, Greece, Hungary and Luxembourg.

³⁸ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 127.

³⁹ *Ibid.*, para. 128.

⁴⁰ *Ibid.*, para. 129.

⁴¹ *Ibid.*, para. 130.

⁴² *Ibid.*, para. 385.

2. Analysis of Country Profiles⁴³

49. The Country Profile asks States to explain how Central Authorities provide or facilitate the provision of legal assistance in their jurisdiction.

a. *What type of legal assistance ~~if~~ is provided?*

50. States provide two general types of assistance:

- i. in six States legal assistance is provided in all proceedings, including appeals.⁴⁴
- ii. in 18 States administrative assistance is provided in all proceedings,⁴⁵ and legal assistance only when required, noting this is usually not necessary.⁴⁶

b. *How is legal assistance provided?*

51. Six countries specifically mentioned the provision of legal assistance in some circumstances.⁴⁷ A large majority – 19 in total, or 63% of responses⁴⁸ – have legal assistance provided by private lawyers and funded by the State. In the United Kingdom (England and Wales, Scotland and Northern Ireland) the provision of State funding is subject to eligibility criteria.

52. Of the remaining States, four employ lawyers within the Central Authority to provide legal assistance,⁴⁹ and three offer legal assistance by lawyers employed in State legal assistance bodies.⁵⁰

53. In addition to these categories, in Belarus, legal assistance is provided by the employees of the Central Authority within the scope of their competence. Similarly, in Finland, Latvia, and the Netherlands, legal assistance can be provided by Central Authority caseworkers. In the United States of America, legal assistance is generally not required. Where administrative assistance is being provided under the Convention and legal assistance for a particular case is required, such assistance is provided by the state child support agency managing the case.⁵¹

C. Sub-paragraph (b) – to help locate the debtor or the creditor;

1. Extract from Explanatory Report

54. “When a Chapter III application is received, and the debtor’s or creditor’s whereabouts is not known, the requested Central Authority must do everything possible to locate the debtor or creditor. Whether or not the Central Authority has access to databases of information is irrelevant. The Central Authority knows, in its own country, whether public records such as telephone lists or population

⁴³ See Country Profile, Part I(6)(a).

⁴⁴ Austria, Belgium, Hungary, Lithuania, Netherlands, Nicaragua and Spain. Finland and Malta also answered affirmatively but suggested in written answers that it is generally not required.

⁴⁵ “Administrative assistance” includes all the services under Art. 6 where legal advice, assistance or representation are not required.

⁴⁶ Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Latvia, Luxembourg, Malta, Norway, Poland, Portugal, Slovenia, Sweden, United Kingdom (England and Wales, Scotland and Northern Ireland), and United States of America (though managed separately through state child support agencies).

⁴⁷ Bulgaria, Finland, France (by transmitting a request to the legal assistance office), Italy (where a legal assistance application is submitted to the competent bar association), Netherlands (in modification proceedings) and Romania (in enforcement proceedings only).

⁴⁸ Austria, Belgium, Bulgaria, Croatia, Cyprus, Finland, France, Germany, Greece, Hungary, Italy, Lithuania, Luxembourg, Norway, Portugal, Romania, Slovenia, Sweden, and United Kingdom (both England and Wales and Northern Ireland).

⁴⁹ Czech Republic, Malta, Slovakia and Spain.

⁵⁰ Croatia, Finland and Nicaragua.

⁵¹ The legal assistance provided by the child support agency does not create a relationship of attorney and client or other fiduciary relationship between the child support agency and the applicant.

registers with personal contact details can be searched, and if not, which public bodies store information about a person's address".⁵²

55. "If the information about the debtor's or creditor's location may not be released because of privacy laws, the requested Central Authority will need to consider what steps could be taken to obtain the information needed to locate the debtor or creditor. It must be emphasised that the information referred to here is obtained for the purpose of legal or administrative proceedings in the requested State, and not for disclosure to the other parent or the requesting Central Authority... In its implementing measures, a Contracting State will need to balance a child's right to financial support against an adult's right to privacy."⁵³

56. "[E]stablishing if the debtor or creditor is in the requested State before sending an application... is covered by a specific measures request under Article 7".⁵⁴ "It guarantees that the applicant or the requesting State does not spend time and money on preparing an application and paying for translations if the respondent is not in the State addressed".⁵⁵

2. Analysis of Country Profiles⁵⁶

57. States were asked how their Central Authorities help locate a debtor or a creditor resident in their territory. In practice, a wide range of methods are being used to satisfy this obligation.

58. Only four Central Authorities proceed with a manual search to locate a debtor or a creditor. In Finland and Norway, Central Authorities can refer to the telephone directory if the electronic search of their respective population registries is unsuccessful. In Malta and Nicaragua, the Central Authority can refer to the telephone directory, or review the electoral roll.

59. Most States will undertake some form of automated search. It is unclear in individual cases whether this authority to search is within the Central Authority, or if the searches are done through another authority. The Country Profile questionnaire canvassed access to databases such as social security (to which 11 States⁵⁷ responded in the affirmative), taxation (nine States⁵⁸), employment (six States⁵⁹) and transportation (three States⁶⁰).

60. In addition to these commonly used databases, States are using a variety of other sources for information. The Italian Central Authority investigates the Database of the State Penitentiary (DSP); Latvia uses the Enterprise Register; and Lithuania the Real Estate Cadastre or Arrest Registry Database.

61. It appears that in States where public bodies perform the functions of the Central Authority, such as Norway or the United States of America, these Central Authorities can more easily make use of automated search systems.

⁵² See A. Borrás and J. Degeling, *op. cit.* note 5, para. 137.

⁵³ *Ibid.*, para. 138. In Europe, the *General Data Protection Regulation (EU) 2016/679* (GDPR) provides that obligations and rights under the Regulation may be restricted to safeguard the enforcement of civil claims (Art. 23).

⁵⁴ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 139.

⁵⁵ *Ibid.*, para. 140.

⁵⁶ See Country Profile, Part I(6)(b).

⁵⁷ Austria, Czech Republic, Lithuania, Malta, Nicaragua, Norway, Portugal, Slovakia, Sweden, United Kingdom (England and Wales, Scotland and Northern Ireland) and United States of America. Finland may also use this method as a secondary source.

⁵⁸ France, Latvia, Lithuania, Netherlands, Nicaragua, Norway, Sweden, United Kingdom (both England and Wales and Northern Ireland) and United States of America. Finland may also use this method as a secondary source.

⁵⁹ Malta, Netherlands, Norway, Slovakia, United Kingdom (England and Wales, Scotland and Northern Ireland) and United States of America.

⁶⁰ Latvia, Lithuania and Nicaragua. Germany may also use this method as a secondary source.

62. Thirteen Central Authorities can access a population registry history,⁶¹ with an additional four referring the matter to population services to complete the check.⁶² Most Central Authorities are able to refer a locate request to an appropriate public entity to assist with location services. In Belgium, Finland, Lithuania and Portugal, police authorities may assist in locating a debtor or a creditor, and in Spain, the Central Authority seeks help from Interpol. Requests are also commonly made to the Ministry of the Interior, as is the case in Bulgaria, Croatia, Hungary and Slovenia, as these entities have access to their own population register.⁶³

63. Only Nicaragua uses a private entity to locate a debtor or a creditor.

D. Sub-paragraph (c) – to help obtain relevant information concerning the income and, if necessary, other financial circumstances of the debtor or creditor, including the location of assets;

1. Extract from Explanatory Report

64. “[I]nformation sought must be relevant to the purpose of the recovery of maintenance... Such information may not be necessary in every case, and there should be no obligation on a Central Authority to obtain it when it is not necessary”.⁶⁴

65. “In some countries, the income of the debtor is only one of the relevant details needed to assess the amount of the debtor’s obligation to pay maintenance, and information about other financial circumstances will be necessary”.⁶⁵

66. “The requested Central Authority might fulfil this obligation by[:]

- contacting the debtor to request the information voluntarily[:] [o]r
- it may refer the request to another body to perform the function[:] [o]r
- it may refer the request to the Public Prosecutor / State Attorney’s Office / Legal Aid Board if legal proceedings are necessary to obtain the information”.⁶⁶

67. “Information about the creditor’s financial circumstances may be requested if a decision is to be established in the debtor’s jurisdiction, or if the debtor seeks modification of a decision”.⁶⁷ “The assistance provided for in sub-paragraph c) may also be sought in order to establish if it is worth pursuing a claim for maintenance. In that case a specific measures request would be made in accordance with Article 7(1). For example, it is preferable to know in advance if a debtor is receiving welfare or unemployment payments, as it is likely that she or he would not be ordered to pay maintenance. In such a case, it may not be worth the cost of preparing and translating an application”.⁶⁸

68. “If the assistance under sub-paragraph c) is successful, *i.e.*, leads to a location of assets, the requesting State may then seek assistance under sub-paragraph i) (a provisional territorial measure) to freeze the debtor’s assets in the requested State if, for example, recognition and enforcement of a maintenance decision is pending in the latter country. Requests for assistance under sub-paragraphs c) and i) could be made simultaneously under Article 7”.⁶⁹

⁶¹ Austria, Czech Republic, Estonia, Finland, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Nicaragua, Norway, Slovakia and Sweden.

⁶² Italy (Local Registry Office), Poland (General Electronic Population Registration System) and Portugal (*Instituto dos Registos e Notariado*) and Slovenia (Ministry of the Interior).

⁶³ Which is certainly the case in Slovenia.

⁶⁴ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 142.

⁶⁵ *Ibid.*, para. 142.

⁶⁶ *Ibid.*, para. 142.

⁶⁷ *Ibid.*, para. 142.

⁶⁸ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 143.

⁶⁹ *Ibid.*, para. 144.

69. “It is emphasised that sub-paragraph c) does not impose an obligation on the Central Authority itself to gather the evidence and does not permit Central Authorities to exercise powers which can only be exercised by judicial authorities. In some countries, it may be necessary to apply the 1970 Hague Evidence Convention [(hereinafter the “1970 Evidence Convention”)], the 1954 Hague Civil Procedure Convention [(hereinafter the “1954 Civil Procedure Convention”)] or other internal legal rules. But each Contracting State or Central Authority must take steps to help obtain the information as quickly as possible”.⁷⁰

2. Analysis of Country Profiles⁷¹

70. States were asked how their Central Authority(ies) can help to obtain within its territory relevant information concerning the income and, if necessary, other financial circumstances including the location of assets of resident debtors or creditors.

71. In eight States, the Central Authority has direct access to information through different databases.⁷² Most commonly, this is a land and title registry (six States⁷³), receipt of public assistance database (five States⁷⁴) or tax information database (five States⁷⁵). Other examples include where the Central Authority has access to information through databases for salaries (four States⁷⁶), other income (two States⁷⁷), financial institution records (two States⁷⁸), ownership of motor vehicles (four States⁷⁹), or moveable property registry (two States⁸⁰).

72. A majority of requested Central Authorities – 19 States, or 63% of responses⁸¹ – will refer the application to an appropriate public entity that can obtain relevant financial and asset information. The public entity is not part of the Central Authority; it will obtain the relevant information from its own databases and transfer this information back to the requested Central Authority. Most of these public entities are financial or taxation bodies.⁸²

73. In nine States, the Central Authority will contact the debtor or creditor directly and request that they provide information about their financial circumstances.⁸³

74. In five States,⁸⁴ the Central Authorities will exercise legal powers to require that information be provided by persons or bodies.

⁷⁰ *Ibid.*, para. 147.

⁷¹ See Country Profile, Part I(6)(c).

⁷² Croatia, Latvia, Lithuania, Netherlands, Norway, Slovakia, Sweden and United States of America.

⁷³ Croatia, Latvia, Lithuania, Netherlands, Norway and Sweden.

⁷⁴ Netherlands, Norway, Slovakia, Sweden and United States of America.

⁷⁵ Lithuania, Netherlands, Norway, Sweden and United States of America.

⁷⁶ Lithuania, Netherlands, Norway and Slovakia.

⁷⁷ Lithuania and Slovakia.

⁷⁸ Lithuania and United States of America.

⁷⁹ Latvia, Netherlands, Norway and Sweden.

⁸⁰ Latvia and Norway.

⁸¹ Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Nicaragua, Poland, Portugal, Romania, and United Kingdom (England and Wales, Scotland and Northern Ireland). In addition, Germany will refer to public bodies if the individual declines to provide information voluntarily.

⁸² Such as the *Service Public Fédéral Finances* in Belgium, the Tax and Customs Board in Estonia, the *Ministère de l'Économie et des Finances* in France, the State Revenue Service in Latvia, the State Tax Inspectorate under the Ministry of Finance in Lithuania, the *Autoridade Tributária e Aduaneira* in Portugal and Her Majesty's Revenue and Customs in England and Wales.

⁸³ France, Germany, Malta, Netherlands, Nicaragua, Norway, Romania, Slovenia, and Spain.

⁸⁴ Austria, Czech Republic, Lithuania, Malta, and Norway.

E. Sub-paragraph (d) – to encourage amicable solutions with a view to obtaining voluntary payment of maintenance, where suitable by use of mediation, conciliation or similar processes;

1. Extract from Explanatory Report

75. “This obligation requires the Central Authority to actively promote or encourage the use of methods or procedures which achieve amicable solutions. Voluntary compliance is a desirable outcome in child support cases. It results in fewer demands on the Central Authority for enforcement measures, and avoids the costs and delays involved in judicial proceedings”.⁸⁵

76. “Mediation, conciliation and similar processes were included in the list of Central Authority functions to encourage the consideration of other forms of dispute resolution, especially in intractable cases, that did not involve judicial or legal proceedings. An important condition on the use of mediation, conciliation and similar processes is created by the use of the words “where suitable”. For example, if a creditor’s opposition to contact or visitation between the debtor and his or her children results in the debtor defaulting on maintenance payments, this situation could be assisted by mediation... not all cases will be suited to a voluntary resolution or the use of mediation”.⁸⁶

77. “[M]ediation and conciliation may present some logistical difficulties in the context of international child support. Although the possibility of bringing parties together for mediation may be remote, the use of audio-visual technology may be explored”.⁸⁷

78. “The minimum requirements in this function would be to obtain advice about mediation facilities for the parties. Other possibilities include enlisting the aid of an external mediator in an intractable case, or referring the parties to an international mediation service. Sub-paragraph d) in no way obligates the Central Authority personnel to conduct or be responsible for the mediation”.⁸⁸

2. Analysis of Country Profiles⁸⁹

79. States were asked how their Central Authorities, where appropriate, encourage amicable solutions with a view to obtaining voluntary payment of maintenance, by use of mediation, conciliation, or similar processes.

80. The overwhelming majority – 23 States, or 77% of responses⁹⁰ – will seek, as a general rule, an amicable solution with the debtor to make voluntary payments *before* introducing any enforcement procedures. In the United States of America, individual state child support agencies attempt amicable solutions based on local law with the majority of states offering some form of mediation services.⁹¹

81. Only in Malta is it mandatory to use mediation, conciliation or similar processes in every case. Estonia, Portugal, and Romania encourage the use of these processes. In Bulgaria, Italy, Lithuania, Luxembourg and the United Kingdom, the use of mediation, conciliation, or similar processes will depend on the facts of the case. For instance, in Lithuania, where there is a risk that such processes would prejudice the effective recovery of a maintenance claim, it will not be used. Similarly, in the United Kingdom (England and Wales), mediation is not encouraged where inappropriate for family

⁸⁵ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 148.

⁸⁶ *Ibid.*, para. 150.

⁸⁷ *Ibid.*, para. 151.

⁸⁸ *Ibid.*, para. 152.

⁸⁹ See Country Profile, Part I(6)(d).

⁹⁰ Austria, Belarus, Belgium, Croatia, Czech Republic, Finland, France, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Nicaragua, Poland, Portugal, Romania, Slovakia, Slovenia, Spain and Sweden.

⁹¹ Information is available on the OCSE website at <https://ocsp.acf.hhs.gov/irg/profileQuery.html?geoType=3&selProfileQuestion=5> >.

safety reasons, and in the United Kingdom (Northern Ireland), a public body other than the Central Authority will consider whether it is appropriate.

82. Norway provides the debtor with an opportunity to pay voluntarily before enforcement measures are initiated but does not appear to have other processes in place. Cyprus is the only State that does not offer mediation or other similar processes.

F. Sub-paragraph (e) – to facilitate the ongoing enforcement of maintenance decisions, including any arrears;

1. Extract from Explanatory Report

83. “The obligations imposed by sub-paragraph e) include a general obligation on Central Authorities to take appropriate steps to guarantee the regularity of maintenance payments to creditors. The Central Authority should ensure that the initial measures to collect payments or to enforce the maintenance decision will be effective”.⁹²

84. “The Convention seeks ways to avoid requiring a creditor to submit frequent applications for enforcement. “Ongoing enforcement”... implies a resumption of enforcement measures or efforts should the debtor default on the maintenance payments. The assistance provided by Central Authorities... might include[:]

- providing advice or assistance to a creditor about enforcement measures;
- providing closer supervision of problem cases in the Central Authority;
- removing the debtor’s option of voluntary payment and instituting wage withholding”.⁹³

85. “Arrears are included in this provision for two reasons. First, it emphasises that a maintenance decision may be either a decision for arrears only, or a decision for ongoing maintenance and an arrears component. Second, the existence or accrual of arrears means the debtor has already defaulted on the maintenance payments and enforcement is or may be a problem in the particular case”.⁹⁴

86. “[S]ome countries have computerised case management systems which allowed faster, more efficient review of case records. Where maintenance payments are being collected and distributed by a public authority, any occurrences of non-payment will be apparent immediately through a computerised system. A record of recurring non-payments can be created to assist decision-making on appropriate enforcement measures. Ongoing enforcement can also be improved through the availability of a range of enforcement measures, of increasing severity, possibly to be implemented administratively, and without the delays common to some court-based systems”.⁹⁵

2. Analysis of Country Profiles⁹⁶

87. States were asked how their Central Authorities facilitate the ongoing enforcement of maintenance decisions including any arrears.

88. Only five Central Authorities are responsible for enforcement of maintenance decisions: Luxembourg, Malta, the Netherlands, Nicaragua and Norway. The majority – 17 States, or 57% of responses⁹⁷ – refer the application to the appropriate public body. In the United States of America, the Central Authority has designated state child support agencies as public bodies to perform functions

⁹² See A. Borrás and J. Degeling, *op. cit.* note 5, para. 155.

⁹³ *Ibid.*, para. 156.

⁹⁴ *Ibid.*, para. 156.

⁹⁵ *Ibid.*, para. 159.

⁹⁶ See Country Profile, Part I(6)(e).

⁹⁷ Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Germany, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Slovenia, Sweden, and United Kingdom (both England and Wales and Northern Ireland).

related to applications under the Convention. This means state child support agencies directly receive and transmit applications (there is no referral) and are responsible for initiating proceedings relative to those applications, including enforcement of maintenance decisions.

89. When neither the Central Authority nor a public body is responsible for the enforcement of the decisions, the Central Authority can transmit the request to another enforcement authority. For example, in France, a bailiff is responsible for the recovery of maintenance payments, and in Cyprus, the Central Authority will refer the matter to a Registrar of a competent court. In other States, the matter will be referred to a judicial authority.⁹⁸

G. Sub-paragraph (f) – to facilitate the collection and expeditious transfer of maintenance payments;

1. Extract from Explanatory Report

90. “If collection methods are not effective, there will be no funds to transfer, regardless of how expeditious the transfer procedures may be... Inefficiencies may result in reduced payments to creditors after bank charges and currency conversion fees have been deducted. Inefficiencies also result in delays for creditors receiving payments, even if debtors make regular payments”.⁹⁹

91. “Electronic banking is now the norm in many countries, and the Convention recognises and encourages the benefits that new technologies can bring to expedite child support or other maintenance payments”.¹⁰⁰

2. Analysis of Country Profiles¹⁰¹

92. States were asked how their Central Authority facilitates the collection and expeditious transfer of maintenance payments.

a. Who is responsible for collection of payments?

93. States were asked who is responsible for collection of maintenance payments if acting as the requested State. The analysis of the Country Profile identified three different methods.

94. First, among the responding States, there are four where the Central Authority is responsible for the collection of maintenance payments.¹⁰²

95. Secondly, and forming the majority – 17 States, or 57% of responses¹⁰³ – are States where the Central Authority is not responsible for the collection of maintenance, and the collection of maintenance is referred to an appropriate public body.

96. Thirdly, there are eight States where collection of maintenance payments is handled privately.¹⁰⁴ Unfortunately, no further information is provided about what is meant by “privately”.

b. How are payments collected?

97. Next, States were asked the method of collection of payments.

⁹⁸ As is the case in Italy, Greece and Spain.

⁹⁹ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 160.

¹⁰⁰ *Ibid.*, para. 161.

¹⁰¹ See Country Profile, Part I(6)(f).

¹⁰² Czech Republic, Germany, Netherlands, Norway and Slovenia.

¹⁰³ Belarus, Bulgaria, Croatia, Estonia, Finland, Hungary, Latvia, Lithuania, Poland, Portugal, Romania, Slovakia, Spain, Sweden, United Kingdom (England and Wales, Scotland and Northern Ireland) and United States of America.

¹⁰⁴ Austria, Belgium, Cyprus, Greece, Italy, Luxembourg, Nicaragua and Malta.

98. In four States,¹⁰⁵ payments must be made to a central location. In Lithuania, payment may also be made at a local location.

99. Across the Profiles, there are diverse methods of collecting payments. As expected, the most popular form of payment is via electronic funds, which is available in 27 States, or 90% of responses.¹⁰⁶ Other popular means include payroll deduction (20 States¹⁰⁷), and by cheque or warrant (18 States¹⁰⁸). Cash also remains prevalent (14 States¹⁰⁹) despite the move to electronic options.

c. How are payments transferred to the requesting State?

100. Finally, States were asked, when transferring the payments to the requesting State, who is responsible and how is the payment made. For the eight States where the collection is handled privately, no response was provided.

101. Of those remaining, in 10 States the requested Central Authority or public body is responsible for transferring maintenance payments.¹¹⁰ All of these, excluding Portugal, transfer payments electronically. At the time of analysis of the Country Profiles,¹¹¹ eight States allow payment by cheque.¹¹²

102. If a public body is responsible for transferring maintenance (11 States¹¹³), the Central Authority will obtain and provide information from the public body concerning transfer of payments.

103. In Estonia and Slovakia, the Central Authority carries out both functions.

104. In the United States payments are transferred to the requesting State by the public body. The majority of payments are transferred by cheque. An initiative is underway to centralise the transfer of payments to facilitate the electronic transfer of payments.

3. Conclusions & Recommendations from Experts' Group on International Transfer of Maintenance Funds¹¹⁴

105. An Experts' Group was held in September 2019 to discuss ways to facilitate the cross-border transfer of funds with a view to identifying possible solutions that are cost-effective, transparent,

¹⁰⁵ Lithuania, Netherlands, Norway and United States of America.

¹⁰⁶ Austria, Belgium, Bulgaria, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (England and Wales, Scotland and Northern Ireland) and United States of America. Belarus did not respond to this question.

¹⁰⁷ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Norway, Portugal, Slovenia, United Kingdom (both England and Wales and Northern Ireland) and United States of America.

¹⁰⁸ Austria, Bulgaria, Croatia, Cyprus, Czech Republic, France, Germany, Greece, Lithuania, Malta, Netherlands, Norway, Portugal, Romania, Slovakia, Sweden, United Kingdom (both England and Wales and Northern Ireland) and United States of America.

¹⁰⁹ Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Lithuania, Malta, Poland, Romania, Sweden, United Kingdom (both England and Wales and Northern Ireland) and United States of America.

¹¹⁰ Czech Republic, Estonia, Germany, Netherlands, Norway, Portugal, Slovakia, Slovenia, United Kingdom (both England and Wales and Northern Ireland) and United States of America.

¹¹¹ See *supra* note 1.

¹¹² Czech Republic, Germany, Netherlands, Norway, Portugal, Slovakia, United Kingdom (England and Wales) and United States of America. This is despite a finding by the Experts' Group (see Prel. Doc. No 11 of November 2019 "Report of the Experts' Group on international transfers of maintenance funds" to the attention of CGAP) that a growing number of States no longer accepts this as payment.

¹¹³ Belarus, Bulgaria, Croatia, Estonia, Finland, Latvia, Lithuania, Poland, Slovakia, Sweden and United States of America.

¹¹⁴ See Prel. Doc. No 11 of November 2019 "Report of the Experts' Group on international transfers of maintenance funds" and Prel. Doc. No 10 of February 2021 "2007 Child Support Convention and Maintenance Protocol: Report of the Experts' Group on International Transfers of Maintenance Funds, meeting of 8 to 11 February 2021" both to the attention of CGAP.

prompt, efficient and accessible. The Conclusions & Recommendations were agreed by consensus and covered matters such as:

- i. Eliminating the use of cheques ~~was-is~~ a worthwhile goal after an appropriate transition period.
- ii. Creditors should not bear costs related to transfer of funds ~~and consideration should be given to explore a future solution where the institutions facilitating the transfer of funds could cover costs by withholding amounts for a few days.~~
- iii. Each Contracting State should consider establishing a centralised point for incoming and outgoing international transfers. Where possible, this bank account should be held in a public institution, such as a central bank.
- iv. The monitoring of payments could ensure an accurate payment record and assist with enforcement. States should also consider using unique case references that would link each transfer of funds to an existing case.
- v. There should be transparency related to currency conversion costs.

H. Sub-paragraph (g) – to facilitate the obtaining of documentary or other evidence;

1. Extract from Explanatory Report

106. “[A] Central Authority may be requested to facilitate the obtaining of evidence within its own jurisdiction or to facilitate the obtaining of evidence abroad:

- The first situation may arise where, for example, a creditor applies for establishment of a decision in the debtor’s jurisdiction and requests the Central Authority in that jurisdiction to facilitate the taking of evidence from the debtor in accordance with the internal laws of that jurisdiction”.¹¹⁵
- “The second situation may arise where, for example, a creditor seeks to obtain an increase in maintenance in the debtor’s jurisdiction where the original order was made. In such a case, the Central Authority in the debtor’s jurisdiction may require the Central Authority in the creditor’s jurisdiction to facilitate the taking of evidence in the creditor’s jurisdiction to the extent that such information has not already been submitted by the creditor”.¹¹⁶

107. “In the first situation, the evidence is taken in the Central Authority’s own jurisdiction; in the second situation, the evidence is taken abroad. In both cases, the procedural rights and interests of the parties must be protected. The distinction is all the more important as in the second case the taking of evidence abroad may be subject to another treaty”.¹¹⁷

108. “The term “evidence” should be interpreted broadly. It could be any data that is publicly available in the requested State or it could be a document obtainable upon request, or it could be evidence that can only be obtained through a judicial process”.¹¹⁸

2. Analysis of Country Profiles¹¹⁹

109. States were asked about obtaining evidence in the two situations outlined above, domestically and abroad.

¹¹⁵ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 164.

¹¹⁶ *Ibid.*, para. 165.

¹¹⁷ *Ibid.*, para. 166.

¹¹⁸ *Ibid.*, para. 168.

¹¹⁹ See Country Profile, Part I(6)(g)-(h).

a. *How does the Central Authority obtain evidence domestically?*

110. States were asked how their Central Authority(ies) facilitates the obtaining of documentary or other evidence *domestically*.

111. In Croatia, Malta and Romania, the Central Authority is responsible for issuing an administrative subpoena to obtain documentary or other evidence.

112. In 15 States,¹²⁰ the Central Authority will seek voluntary submission of documentary or other evidence, and in 21 States,¹²¹ the Central Authority will refer the matter to the appropriate competent authority to obtain documentary or other evidence. Of these, 10 States will do both.¹²²

113. Of those States which did not respond in the categories provided, Austria transfers responsibility to the *pro bono* lawyer to obtain the necessary document. In the United States of America, each individual state has laws and procedures for obtaining documentary or other evidence, including use of subpoenas.

b. *How does the Central Authority obtain evidence abroad?*

114. States were then asked how their Central Authority(ies) facilitates the obtaining of documentary or other evidence abroad. This included a question as to which international instruments they are Contracting Parties which would assist when obtaining documentary or other evidence abroad.

115. Twenty-seven States¹²³ – or 90% of responses – are Contracting Parties to the 1970 Evidence Convention. Nineteen States¹²⁴ are Contracting Parties to the 1954 Civil Procedure Convention, with a total of 17 being Party to both. The United States of America noted it is party to the 1970 Evidence Convention, but rarely has required its use in international child support cases.

116. ~~Nine-Eight~~ States also referred to EU Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.¹²⁵ These provisions would extend to all EU Member States, with the exception of Denmark, ~~and to the United Kingdom (which is no longer a Member State) until the end of the Transition Period on 31 December 2020~~. A number of States also referred to bilateral agreements and specific multilateral agreements which would apply.

117. Finally, where there is no applicable international Convention or bilateral treaty, 12 States will apply rules for the obtaining of evidence abroad under domestic law, or under an instrument of a Regional Economic Integration Organisation.¹²⁶

¹²⁰ Croatia, Czech Republic, France, Germany, Latvia, Lithuania, Luxembourg, Malta, Nicaragua, Norway, Romania, Slovakia, Slovenia, Sweden and United Kingdom (Scotland and Northern Ireland).

¹²¹ Belarus, Belgium, Bulgaria, Croatia, Cyprus, Estonia, Finland, Greece, Hungary, Italy, Latvia, Lithuania, Malta, Netherlands, Nicaragua, Poland, Portugal, Romania, Slovakia, Sweden and United Kingdom (England and Wales, Scotland and Northern Ireland).

¹²² Croatia, Latvia, Lithuania, Malta, Nicaragua, Romania, Slovakia, Sweden and United Kingdom (England and Wales, Scotland and Northern Ireland).

¹²³ Belarus, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, France, Finland, Germany, Greece, Hungary, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Nicaragua, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (England and Wales, Scotland and Northern Ireland) and United States of America.

¹²⁴ Austria, Belarus, Belgium, Croatia, Czech Republic, France, Finland, Germany, Hungary, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Romania, Slovenia, Spain and Sweden.

¹²⁵ Bulgaria, Cyprus, Estonia, Finland, Germany, Italy, Luxembourg, ~~and Netherlands and United Kingdom (England and Wales, Scotland and Northern Ireland)~~.

¹²⁶ Estonia, France, Hungary, Latvia, Lithuania, Norway, Poland, Portugal, Romania, Spain, Sweden and United States of America.

I. Sub-paragraph (h) – to provide assistance in establishing parentage where necessary for the recovery of maintenance;

1. Extract from Explanatory Report

118. “In many countries the establishment of parentage has become so inextricably linked to the establishment of child support that it was felt that its omission from the new Convention would be a failure to live up to the objective of developing a forward looking instrument... [T]he establishment of parentage must be for the purpose of recovery of maintenance.”¹²⁷

119. “Sub-paragraph *h*) does not in any way oblige the Central Authority to undertake, for example, genetic testing, but instead to provide assistance to the applicant to have the necessary genetic testing procedures performed”.¹²⁸

120. “When an application is submitted under Article 10(1) *c*), a Central Authority’s obligation under sub-paragraph *h*) will be to take “all appropriate measures” to “provide assistance in establishing parentage”.”¹²⁹

121. “When a request for specific measures to establish parentage is submitted under Article 7(1), assistance under Article 6(2) *h*) must be offered by such measures “as are appropriate” and if they “are necessary to assist a potential applicant in making an application under Article 10 or in determining whether such an application should be initiated”.”¹³⁰

122. “In the context of sub-paragraph *h*), “providing assistance” could mean, at a minimum[:]

- providing the contact details of the laboratories qualified to undertake genetic testing in the requested State[;] or
- providing advice to the creditor or the requesting Central Authority about internal laws[;] or
- referring the creditor to the proper authorities”.¹³¹

123. “At a higher level of service, it could mean[:]

- providing assistance in obtaining relevant documents in relation to the establishment of parentage by presumption[;]
- acting on a request to contact the putative father to obtain a voluntary acknowledgement of paternity[;]
- initiating judicial proceedings for the establishment of parentage[;] or
- assisting with arrangements for a voluntary DNA test of the presumed parent”.¹³²

124. “Internal laws and procedures vary considerably on this question. In some countries, the establishment of parentage is for the “purpose of recovery of maintenance”. In other countries, determination of parentage for the “limited purpose” of child support would be impossible due to the “*erga omnes*” effect (“for all purposes”) of any such determination”.¹³³

¹²⁷ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 170.

¹²⁸ *Ibid.*, para. 171.

¹²⁹ *Ibid.*, para. 172.

¹³⁰ *Ibid.*, para. 173.

¹³¹ *Ibid.*, para. 174.

¹³² *Ibid.*, para. 174.

¹³³ *Ibid.*, para. 175.

2. Analysis of Country Profiles¹³⁴

125. States were asked how their Central Authority(ies) assists in establishing parentage, where necessary, for the recovery of maintenance.

126. In most cases, the Central Authority itself will assist, when needed, in establishing parentage. In seven States,¹³⁵ this involves coordinating genetic testing. In addition, in 11 States,¹³⁶ the Central Authority will seek voluntary acknowledgment of parentage, and in 10 States,¹³⁷ the Central Authority will seek a legal determination of parentage through a judicial proceeding. In addition to those States which stated that the Central Authority will seek a legal determination, a number also refer the issue to the courts. This brings the total number of States that will assist-included a description for their assistance in a determination of parentage through at least one mechanism to 18.¹³⁸ The remaining States did not provide information concerning their processes for the establishment of parentage for the purpose of maintenance recovery. The Maltese and Norwegian Central Authorities will seek a legal determination of parentage through administrative proceedings.

127. In Croatia, the Central Authority will refer an application to the Centre of Social Welfare or advise an applicant to engage a representative. In Finland, the Central Authority first refers the application to the child welfare office in order to obtain voluntary acknowledgement. Otherwise, the application is referred to the public legal aid council with a request to initiate legal proceedings for the determination of parentage.

128. In the United States of America, each state child support agency will coordinate genetic testing, seek a voluntary acknowledgment of paternity, or seek a legal determination of parentage through an administrative or a judicial proceeding. A number of these methods are the same as those already discussed.

129. Finally, where a State is a Contracting Party to the 1954 Civil Procedure Convention or the 1970 Evidence Convention (or another international instrument), in 19 States the Central Authority is able to provide advice on the appropriate procedures.¹³⁹

J. Sub-paragraph (i) – to initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application;

1. Extract from Explanatory Report

130. “A provisional measure referred to in sub-paragraph *i*) might be sought in the State to which an application for the recovery of maintenance has been made, or in another Contracting State in which the assets of the debtor are located. Provisional measures include measures to prevent the dissipation of assets, or measures to prevent the debtor leaving the jurisdiction to avoid legal proceedings. The freezing of the debtor’s assets (pending the outcome of any legal proceedings) may be the measure most frequently requested under this provision”.¹⁴⁰

131. “The measures requested under sub-paragraph *i*) must be both “provisional”, meaning interim or temporary, and “territorial in nature”, meaning that their effect must be confined to the territory

¹³⁴ See Country Profile, Part I(6)(i).

¹³⁵ Germany, Hungary, Lithuania, Malta, Nicaragua, Norway and Sweden.

¹³⁶ Czech Republic, Germany, Hungary, Latvia, Lithuania, Luxembourg, Malta, Nicaragua, Norway, Romania and Slovenia.

¹³⁷ Bulgaria, Czech Republic, Germany, Luxembourg, Malta, Netherlands, Nicaragua, Norway, Slovenia, and Sweden.

¹³⁸ Bulgaria, Cyprus, Czech Republic, Estonia, Finland, Germany, Italy, Latvia, Luxembourg, Malta, Netherlands, Nicaragua, Norway, Poland, Portugal, Slovenia, Sweden, United Kingdom (England and Wales, Scotland and Northern Ireland) and United States of America.

¹³⁹ Austria, Belarus, Belgium, Bulgaria, Czech Republic, Estonia, Finland, Greece, Latvia, Luxembourg, Malta, Nicaragua, Norway, Poland, Portugal, Romania, Slovakia, Spain and Sweden.

¹⁴⁰ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 176.

of the requested State (the State which takes the measures) or of several States in accordance with the applicable rules".¹⁴¹

132. "The measure must also be "necessary" to "secure the outcome of a pending maintenance application". This requirement implies that the Requesting State must justify the request by showing that the measures are indeed necessary for the recovery of maintenance. A maintenance application must be "pending" at the time when assistance under sub-paragraph *i*) is sought".¹⁴²

133. "The provisional measures taken in the requested State (*e.g.*, to freeze the debtor's assets) are intended to help the creditor to eventually recover some maintenance ("secure the outcome") in a "pending maintenance application". The words of sub-paragraph *i*) leave open the possibility that a maintenance application could be purely domestic in nature or it could be an international case. For example, assistance under sub-paragraph *i*) may be sought in relation to current applications under Article 10 (an international case). A typical situation might begin with a creditor seeking recognition and enforcement of a maintenance decision in the debtor's jurisdiction, where it is known the debtor has assets. In order that enforcement of the maintenance decision actually results in the recovery of maintenance, the creditor needs to be sure the debtor will not spend, hide or move the assets to avoid his or her maintenance liability".¹⁴³

134. "It is recalled that the Central Authority itself is not required to take the provisional measures. The Central Authority function is to take all appropriate measures to initiate, or facilitate the initiation of, legal proceedings, to obtain the necessary protection for the applicant. The nature of this obligation is no different from the obligation under Article 6(1) *b*)".¹⁴⁴

2. Analysis of Country Profiles¹⁴⁵

135. States were asked how their Central Authorities initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature.

136. There are two different models for providing this function. There are seven States where the Central Authority has authority to initiate the proceedings;¹⁴⁶ and 12 States where the Central Authority lacks such authority and refers the matter to the appropriate public body to initiate any proceedings.¹⁴⁷ Norway is the only jurisdiction for which provisional measures are not available under domestic law.

137. Six other States¹⁴⁸ (including Romania which simultaneously refers the application to the relevant public body) offer some form of legal assistance to the applicant (usually dependent on the matter). The United Kingdom (England and Wales, Scotland and Northern Ireland) will advise the applicant to seek legal representation, and Greece and Spain will refer the application directly to the competent judicial authority. In France, Greece and Spain, the Central Authority is not entitled to initiate such proceedings and instead refers to the judicial authorities.

138. Other forms of non-legal assistance, best described as advice, are offered in Belgium, where the Central Authority will provide the requesting Central Authority with all information regarding the initiation of proceedings, and in France, where the Central Authority will inform the applicant about procedural possibilities under French law.

¹⁴¹ *Ibid.*, para. 177.

¹⁴² *Ibid.*, para. 178.

¹⁴³ *Ibid.*, para. 179.

¹⁴⁴ *Ibid.*, para. 180.

¹⁴⁵ See Country Profile, Part I(6)(j)-(k).

¹⁴⁶ Croatia, Czech Republic, Estonia, Germany, Latvia, Malta, Netherlands and Slovenia.

¹⁴⁷ Belarus, Bulgaria, Cyprus, Italy, Nicaragua, Poland, Portugal, Romania, Slovakia, Sweden, and United States of America.

¹⁴⁸ Austria, Finland, Hungary, Lithuania, Luxembourg and Romania.

K. Sub-paragraph (j) – to facilitate service of documents.

1. Extract from Explanatory Report

139. “Under sub-paragraph j), a Central Authority may be requested to facilitate service”¹⁴⁹[:]

- “within its own jurisdiction... [- this] situation may arise where, for example, a creditor applies in the debtor’s jurisdiction to establish or modify a decision. In such a case, the creditor may require the Central Authority in the debtor’s jurisdiction to facilitate service of process on the debtor in accordance with legal requirements in the Central Authority’s jurisdiction”¹⁵⁰;
- abroad – “[this] situation may arise where, for example, a creditor applies to establish or modify a decision in his or her own jurisdiction, and service must be effected on the debtor in another jurisdiction. In this case, the Central Authority in the creditor’s jurisdiction may be required to facilitate the transmission of the documents abroad so that they can be served on the debtor in accordance with legal requirements in the debtor’s jurisdiction”.¹⁵¹

140. “It is important that Central Authorities carefully distinguish these two situations. In the first situation, the documents do not have to be transmitted abroad for service; in the second situation, the law of the Central Authority’s jurisdiction (law of the forum) is likely to require that documents be transmitted abroad for service. In both cases, the procedural rights and interests of the parties must be protected. The distinction is all the more important as in the second situation, the transmission of the documents for service abroad may be subject to another treaty”.¹⁵²

2. Analysis of Country Profiles¹⁵³

141. States were asked how they facilitate service of documents under the Convention, both domestically and abroad, to fit the categories discussed.

a. Service under Domestic Law

142. First, States were asked how their Central Authority(ies) facilitates the service of documents domestically.

143. The majority of States – 18 States, or 60% of responses¹⁵⁴ – will forward documents to the appropriate public body. In Malta and the United Kingdom (Northern Ireland), Central Authorities may also be responsible for the service of documents (both options appear available). Only in Sweden will the Central Authority forward the documents to a private contractor.

144. Other answers included:

- Cyprus and Slovenia, where the Central Authority has no responsibility for domestic service;
- Belgium and Poland, where the Central Authority will provide advice to an applicant about service under domestic law, but is not involved in the service of documents;
- Germany, where in incoming cases under Chapter III of the Convention the Central Authority may appear, on request, before German courts to represent an applicant

¹⁴⁹ See A. Borrás and J. Degeling, *op. cit.* note 5, para. 182.

¹⁵⁰ *Ibid.*, para. 182.

¹⁵¹ *Ibid.*, para. 183.

¹⁵² *Ibid.*, para. 184.

¹⁵³ See Country Profile, Part I(6)(k)-(l).

¹⁵⁴ Austria, Belarus, Bulgaria, Croatia, Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Malta, Netherlands, Norway, Portugal, Romania, Slovakia, Sweden and United Kingdom (Scotland and Northern Ireland).

residing abroad so that the German court can serve the Central Authority with effect for the applicant;

- Greece, where the documents are forwarded to a judicial authority;
- Nicaragua, where service can be actioned by the Central Authority or a judicial authority, depending on the specific case;
- The United Kingdom (England and Wales), where the Central Authority will provide information to an applicant about service under domestic law, but is not involved in the service of documents; and
- The United States of America, where state child support agencies are responsible for facilitating the service of documents so the mechanism for personal service of documents depends on local laws and procedures.

145. In Italy and Malta, the Central Authority will provide notification in lieu of service.

b. Service under International Law

146. Secondly, States were asked about how their Central Authority(ies) facilitates the service of documents abroad, including to which international instruments the State is a Contracting Party.

147. Twenty-seven States¹⁵⁵ – or 90% of responses – are a Contracting Party to the 1965 Service Convention. Eighteen States are Party to the 1954 Civil Procedure Convention.¹⁵⁶ Ten States referred to *EU Council Regulation (EC) No 1393/2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters*,¹⁵⁷ which is applicable to all EU Member States, with the exception of Denmark, and to the United Kingdom (which is no longer a Member State) until the end of the Transition Period on 31 December 2020. Five States also referred to bilateral and multilateral treaties. Although the United States of America is a party to the 1965 Service Convention, it is not the primary method used for effecting service. Request for service of process assistance on child support matters may also be sent to the appropriate state child support agency in the United States of America.

148. Finally, in 12 States, where there is no applicable international Convention or bilateral treaty, rules for service abroad will be governed by domestic law or an instrument of a Regional Economic Integration Organisation.¹⁵⁸

¹⁵⁵ Belarus, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Lithuania, Luxembourg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom (England and Wales, Scotland and Northern Ireland) and United States of America.

¹⁵⁶ Austria, Belarus, Belgium, Croatia, Czech Republic, Finland, France, Germany, Hungary, Lithuania, Luxembourg, Netherlands, Norway, Poland, Romania, Slovenia, Spain and Sweden.

¹⁵⁷ Bulgaria, Cyprus, Estonia, Finland, Germany, Italy, Latvia, Luxembourg, Netherlands and United Kingdom (England and Wales, Scotland and Northern Ireland).

¹⁵⁸ Bulgaria, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Luxembourg, Norway, Poland, Portugal, Romania, and Sweden.

ANNEX

Selected statistics under the 2007 Convention and other international instruments for incoming and outgoing cases¹
(Based on responses to Questions 1 and 2 of Prel. Doc. No 1 of August 2019²)

Comparisons between these statistics should be made with caution due to the difference between Central Authority systems³

	Number of active cases under 2007 ⁴	Number of new cases under 2007			FTEs	Number of active cases under other instruments ⁵	Number of new cases under other instruments			FTEs
		2018	2017	2016			2018	2017	2016	
France⁶	164	n/a	n/a	n/a	9	2,187	n/a	n/a	n/a	9
Germany⁷	933	442	299	23	70	9,181	1,665	1,699	1,786	70
Netherlands⁸	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Norway⁹	273	250	210	170	27 ¹⁰	1,151 ¹¹	180	280	260	3
Poland	278	236	96	82	30 ¹²	5,609	1,567	2,066	1,588	20 ¹³
Portugal	112	147	24	10	9	1,209	604	514	461	8
UK (E&W)¹⁴	198	244	325	97	18	10,036	2,965	2,994	3,277	18
UK (NI)	1	1	NIL	NIL	n/a	n/a	n/a	n/a	n/a	n/a

¹ Unless otherwise stated, statistics are based on calendar years.

² Prel. Doc. No 1 of August 2019, "Questionnaire on the practical operation of the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*" available on the HCCH website at < www.hcch.net > under "Child Support" then "Special Commission meetings".

³ Please refer to individual Country Profiles to understand the specific Central Authority system from which the statistics have been drawn.

⁴ As of the date of submitting Prel. Doc. No 1.

⁵ Other international and regional instruments for the recovery of maintenance obligations include the *New York Convention of 20 June 1956 on the Recovery Abroad of Maintenance*, the 2009 EU Maintenance Regulation and any bilateral agreement to which the State would be Party.

⁶ The French Central Authority is responsible for cases under all other international instruments. The FTEs cover all instruments.

⁷ The German Central Authority is responsible for cases under all other international instruments. The FTEs cover all instruments.

⁸ As of 25 May 2020, the Netherlands had not responded to Prel. Doc. No 1 of August 2019.

⁹ The statistics for Norway are approximate. Statistics under other instruments include cases for enforcement only.

¹⁰ Including the Central Authority and the transmitting agency.

¹¹ Outgoing cases only. Norway *does not* have proper statistics for establishment.

¹² In addition, there are two part-time workers.

¹³ In addition, there is one part-time worker.

¹⁴ Statistics for the UK jurisdictions are based on financial years starting on 1 April and ending on 31 March. The figures shown are from the Central Authority for England and Wales, which is responsible for that jurisdiction for cases under all other international maintenance instruments and bilateral agreements. The FTEs cover all instruments.