



OFFICE OF
CHILD SUPPORT ENFORCEMENT
Administration for Children & Families

DEC - 5 2019

Christophe Bernasconi
Secretary General
Permanent Bureau
Hague Conference on Private International Law
Churchillplein 6b
2517 JW The Hague
The Netherlands

Re: United States Response: 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*

Dear Secretary General Bernasconi:

The United States appreciates and supports the Permanent Bureau's efforts to seek information about the implementation and practical operation of the 2007 Child Support Convention. We look forward to learning about challenges that Contracting States have experienced as well as good practices they have identified.

As you know, the federal Office of Child Support Enforcement is the Central Authority for the United States. As the Central Authority, OCSE has designated state child support agencies as public bodies to transmit and receive Convention applications and process Convention cases. In the U.S. responses, we have included state input regarding the processing of Convention applications. They report that, in general, the Convention is operating smoothly. They appreciate the cooperation among Central Authorities and have found the standardized forms effective. They are particularly interested in translated versions of the forms. Our responses to questions 7.7.1 through 7.7.14 reflect their interest in dynamic forms in languages other than English. State child support agencies have also identified missing Country Profiles as an issue they would like the Special Commission to address.

One of the stated purposes of the Questionnaire is to obtain comments on priority topics, including possible future work, for discussion at the upcoming meeting of the Special Commission. The following discussion topics are of priority to the United States:

- The most critical topic for the United States is the Convention requirement that a requested State must accept an application for establishment, when there is no existing decision, and must have the capability to secure an order for support, "including where necessary the establishment of parentage." Art. 10(1)(c). Application of the law of the requested State cannot result in a nullification of this critical Convention requirement.

Laws that only provide for establishment of parentage upon voluntary acknowledgment do not satisfy Convention requirements. Additionally, if a country categorically requires that an applicant establish parentage in the country where she resides prior to sending an Article 10 application to establish a support order, it is not complying with the Convention. While the U.S. believes that the Convention is clearly drafted and should not be susceptible to variable interpretation, issues have arisen regarding this requirement that raise concern.

- The timely completion of Country Profiles by ratifying States fulfils the requirement in Article 57 of the Convention and helps other States know how the ratifying States will implement treaty requirements. We recommend that the Special Commission discuss how best to encourage that a Contracting State complete its Country Profile by the time its instrument of ratification or accession is deposited or a declaration is submitted.
- Transferring international child support payments remains one of the most challenging operational issues in international child support. We commend the Permanent Bureau for convening the Experts Group on International Transfer of Maintenance Funds in September 2019 and look forward to finding solutions for electronic payments. We recommend that the Permanent Bureau write a Preliminary Document on the current status of international payments and the work of the Experts Group to assist with discussion of this issue during the Special Commission.
- We recommend that the Special Commission discuss how best to encourage States to accept abstracts in lieu of the complete text of an order. Acceptance of an abstract would greatly reduce the costs of translation.
- Another important discussion topic is the protection of personally identifiable information about parties and children when Central Authorities communicate electronically about cases.

The 2007 Child Support Convention is a multilateral instrument of vital importance in ensuring children receive support wherever they may live. We appreciate the work of the Permanent Bureau in preparing for a possible Special Commission in 2020 to discuss implementation and operational issues under this important Convention. Should you have any questions about the information in this letter and Questionnaire, please contact Anne Miller at anne.miller@acf.hhs.gov.

Sincerely,



Scott M. Lekan
Commissioner
Child Support Enforcement