

# **Aide-mémoire of the Meeting of the Administrative Cooperation Working Group**

- 1 The Administrative Cooperation Working Group (ACWG) on the *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance* (2007 Child Support Convention) met from 14 to 17 December 2020 to discuss statistics under the 2007 Child Support Convention and other administrative cooperation matters such as recommended forms and country profiles. The meeting was held via videoconference and was attended by 60 participants representing 20 Members, 1 Observer, and members of the Permanent Bureau (PB).
- 2 Mr Philip Ashmore (USA) and Ms Floor de Jongh Bekkali (Norway) were proposed as co-chairs and were elected without objection.
- 3 This *aide-mémoire*, prepared by the co-chairs, provides a short overview of the main points of discussion.

## **I. Introduction**

- 4 The First Secretary responsible for the 2007 Child Support Convention recalled that the Council on General Affairs and Policy (CGAP) agreed that the ACWG “should continue its work as a forum for discussion of issues of administrative cooperation as was recommended by the Twenty-First Session of the Conference in November 2007”.<sup>1</sup> Against this background, the meeting was convened to explore matters in anticipation of the first meeting of the Special Commission on the practical operation of the 2007 Child Support Convention to be held in 2021 which will make recommendations on the future work programme in this area.
- 5 In relation to the collection of statistics, the PB will prepare a report based on the guidance received from the Group. A draft of this report will be circulated to participants of the Group for comment before the Special Commission. Another meeting of the Group will be convened to further this discussion.

## **II. Existing methods for the collection of statistics**

- 6 By way of background and in an effort to explore existing methods for how statistics are collected, members of the PB made presentations on other HCCH Conventions. This included the 1961 Apostille, 1965 Service, 1970 Evidence, 1980 Child Abduction, and 1993 Adoption Conventions. The presentations underlined the importance of collecting statistics to: inform discussions at Special Commission meetings; inform the development and assessment of tools in support of Conventions, such as Guides to Good Practice and Handbooks; provide bilateral assistance to Contracting Parties; and promote the respective Conventions. The iSupport coordinator presented on iSupport with a focus on the collection of statistics.
- 7 Participants were also invited to make presentations on how statistics relevant to child support are collected under their respective domestic and / or international systems. This included Brazil, Bulgaria, Canada, European Commission, Finland, Germany, Latvia, Netherlands, Norway, Poland, Portugal, Sweden, United Kingdom, and United States of America.
- 8 Experts provided contextual information about their respective child support systems such as: whether they are judicial or administrative based; whether they use electronic case management systems; whether they cover international cases or both international and domestic cases; if they are directly involved with enforcement; and the number of FTEs employed in their respective

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<sup>1</sup> See p.5 of C&R of CGAP 2010.

operations. All States who gave presentations track the number of new cases and, with the exception of two States, the number of outgoing and incoming cases. However, several States noted their data includes both domestic and international cases, and does not identify Convention cases. Other data collected include the number of applications / requests per State, the types of applications / requests, the time required to handle such applications / requests, and the amount of child support recovered.

- 9 While the approach differed between each country (and the EU), the use of data for internal administrative purposes – such as budget planning, resource management, review of policy implementation and assessment of efficiency – was an identifiable trend.

### **III. Possible statistical report under the 2007 Child Support Convention**

- 10 Article 54(2) of the 2007 Child Support Convention provides that Contracting States shall cooperate with the PB in the gathering of information, including statistics and case law, concerning the practical operation of the Convention. Statistics are a valuable tool to measure and, where possible, improve “procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair” as set out in the Preamble of the Convention. In addition to informing discussions at Special Commission meetings, informing the development and assessment of tools in support of the Convention and assisting with the promotion of the Convention, the gathering of statistics under the 2007 Child Support Convention supports the evaluation of the overall economic and social impact of the HCCH.
- 11 The Group agreed that statistics could be collected annually on either a calendar or fiscal / financial year based on domestic collection methods.
- 12 The iSupport coordinator presented the results of questionnaires on the use of statistical data.<sup>2</sup> The Group was invited to consider and respond to the proposals included in these documents.
- 13 A number of States requested further clarification on definitions under the 2007 Child Support Convention, including cases and applications. A participant suggested the formation of a technical advisory group to focus on clearly defining data elements; other participants expressed support.
- 14 The Group discussed the use of tracking both outgoing and incoming applications. The majority of States agreed that it would be most useful to track both.
- 15 The Group agreed that any future data collection should be considered in more than one phase. Data that is more difficult to collect could be considered at a later time.
- 16 There was support to record the following matters, wherever possible, in a future statistical report which would include definitions for the data to be collected:
- Under general statistics: based on those definitions, total number of active cases; and total number of active cases (detail per country).
  - Under Article 10: new outgoing and incoming applications by type; new outgoing and incoming applications by type and by country; and average duration in days between receipt of application and establishment of a decision, modification, and decision sent to enforcement authority.
  - Under Article 7: new outgoing and incoming requests for specific measures; new outgoing and incoming requests for specific measures (detail per country); new outgoing and incoming requests for specific measures (detail on types of requests); and detail on outcomes (including whether they were or were not completed).

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<sup>2</sup> See Prel. Doc. No 6 of April 2020 and Prel. Doc. No 10 of July 2020.

17 Contracting States are open to work towards developing systems and obtaining appropriate authority, that might allow these statistics to be provided in the future. Subject to the result of discussions at the Special Commission on statistics, iSupport will be programmed accordingly.

18 The following were also discussed and are not considered a priority at this time:

- Total number of children involved across all cases.
- Detail on outcomes as provided by status reports from the perspective of the requested State. The co-Chair (Mr Ashmore) expressed concern that status reports are used inconsistently. A number of States noted they would have difficulty in making this information available now or in the future.
- Detail of enforcement measures under Article 34.
- Under Article 6(2)(f): total owed including arrears (as requesting State); total transferred abroad (as requested State); total received from abroad (as requesting State); and detail on total owed, transferred and received, including detail by State.

19 An effort will be made to gain feedback from Contracting Parties that were not present.

#### **IV. Possible future recommended model forms**

20 In relation to the development of future forms, the PB developed an order of priority based upon the results of a questionnaire on the subject.<sup>3</sup> The following order was supported by the Group:

- Fillable forms.
- Calculation form for maintenance arrears / statement of arrears.
- Model form for Power of Attorney.
- Statements of enforceability with respect to authentic instruments as well as private agreements (Art. 30(3)(b)).
- Form attesting that Art. 36 conditions are met.
- Form for calculation of interest.
- Scalable model form for decision.

21 A participant suggested a form to request a Status Report which received support from the Group. This form will be included in future development as it will likely be resource efficient.

#### **V. Possible future fillable forms including in other languages**

22 Participants expressed support for the use of fillable forms. A number of States supported all forms being publicly available in a fillable format.

23 The First Secretary noted that for the PB to publish these forms in languages other than English, French and Spanish it would require the input of Contracting Parties. Participants supported forms in other languages being a high priority due to the existing high cost of translation for many States. A participant suggested linking forms in other languages to the Country Profiles on the HCCH Website which received support from a number of States. A link to the Office of Child Support Enforcement website which has forms in other languages will be included on the Child Support Section of the HCCH website.

#### **VI. Future meetings**

24 The Group discussed the value of holding an online information session for non-Contracting Parties with Contracting Parties in advance of the Special Commission as well as the organisation of online bilateral meetings between interested States. There was support for both proposals.

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<sup>3</sup> See Prel. Doc. No 1 of August 2019.

## VII. Other topics

- 25 In relation to future work on spousal support, the First Secretary suggested that, following a preliminary assessment, the best way forward would be to develop a new Country Profile for spousal support, subject to available resources. Participants noted this could be repetitive with the existing Country Profiles. This matter is not considered a priority at the current time.
- 26 The United States of America circulated a discussion paper titled “Central Authority Obligations Related to Applications for Establishment of a Maintenance Decision, Including Where Necessary the Establishment of Parentage”. The Group discussed the issue and there was general support for its contents and for the topic to be included on the agenda of the Special Commission. The discussion paper will be made available to CGAP at its 2021 meeting.
- 27 The National Child Support Enforcement Association (NCSEA) raised for discussion the need to increase the acceptance of abstracts of decisions and suggested it be considered at the Special Commission, which a number of States supported. While there is support for the use of abstracts, some participants raised concerns about domestic limitations. There was also discussion about the mandatory use of abstracts under EU Regulation No 4/2009.
- 28 NCSEA also raised the importance of the use of Country Profiles. This included ensuring that Country Profiles are completed in a timely and accurate manner, that there are frequent updates and States receive notification of updates. There was general support for timely completion of Country Profiles, noting how valuable the information is for Central Authorities and caseworkers. The PB supported the suggestions but noted that changes to the software would require additional funding. The First Secretary informed the participants that the Depositary is taking steps in cooperation with the PB to ensure that future Contracting Parties to HCCH Conventions provide this kind of information in a timely manner.