**DÉVELOPPEMENT D'UN SYSTÈME INTERNATIONAL ÉLECTRONIQUE DE GESTION DE DOSSIERS ET DE COMMUNICATION À L'APPUI DE LA FUTURE CONVENTION DE LA HAYE SUR LE RECOUVREMENT INTERNATIONAL DES ALIMENTS ENVERS LES ENFANTS ET D'AUTRES MEMBRES DE LA FAMILLE**

*préparée par le Bureau Permanent*

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**DEVELOPMENT OF AN INTERNATIONAL ELECTRONIC CASE MANAGEMENT AND COMMUNICATION SYSTEM IN SUPPORT OF THE FUTURE HAGUE CONVENTION ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND OTHER FORMS OF FAMILY MAINTENANCE**

*prepared by the Permanent Bureau*

**Development of an International Electronic Case Management and Communication System in Support of the Future Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance**


**INTRODUCTION**[*]


1.    Over the years, the Hague Conference has developed a unique system of post-Convention services to monitor the operation of the Hague Conventions, to assist Contracting States with their effective implementation and to promote consistency and the adoption of good practices in the daily operation of the Conventions. These services include, *inter alia*, maintaining an international network of Central Authorities and other bodies charged with implementing the Conventions; providing technical assistance to countries on matters of implementation; and, encouraging consistent practices and uniform interpretation of the Conventions through promotion of electronic case law, statistical and case management databases and electronic communication systems.[1]


2.    Elements of the mandate for the development of the new Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance[2] provide that the new instrument should:


> "−  contain as an essential element provisions relating to administrative co-operation,
> −  be comprehensive in nature, building upon the best features of the existing Conventions, including in particular those concerning the recognition and enforcement of maintenance obligations,
> −  take account of future needs, the developments occurring in national and international systems of maintenance recovery and the opportunities provided by advances in information technology,
> −  be structured to combine the maximum efficiency with the flexibility necessary to achieve widespread ratification."[3]

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[*] The author would like to thank Ivana Radic, Legal Officer, and Patrick Gingras, public servant on a part-time secondment, both at the Permanent Bureau, for their technical assistance with regard to the preparation of this note and of the mock-up of the iSupport system.

[1] For further information regarding these systems, see the Note submitted by the Permanent Bureau, "Present and Future Developments of Information Technology Systems in Support of Hague Conventions", Prel. Doc. No 3 of February 2006, for the attention of the Special Commission of April 2006 on General Affairs and Policy of the Conference, available at < www.hcch.net > under < Work in Progress >, < General Affairs >. The Conclusions and Recommendations of that Special Commission provide, *inter alia*, that "The Special Commission welcomed the ongoing efforts of the Permanent Bureau in relation to the use and the development of information technology systems in support of existing and draft Hague Conventions in the areas of legal co-operation and family law. Member States were encouraged to collaborate actively with the Permanent Bureau in the development and maintenance of these systems and to explore possible sources of funding including through the supplementary budget, partnership funding or material assistance", also available at that same website address.

[2] See the "Tentative Draft Convention on the International Recovery of Child Support and other Forms of Family Maintenance", Prel. Doc. No 16 of October 2005, prepared by the Drafting Committee which met at The Hague from 5-9 September 2005, available at < www.hcch.net > under < Work in Progress >, < Maintenance Obligations >.

[3] See "Report on and Conclusions of the Special Commission on Maintenance Obligations of April 1999", drawn up by the Permanent Bureau in December 1999, available at < www.hcch.net >, *ibid.*

3.    The Secretariat of the Hague Conference, in co-operation with a public servant from the *Ministère de la Justice du Gouvernement du Québec* (Canada) on a part-time secondment to the Permanent Bureau,[4] is examining the possibility of developing a common multilateral electronic case management[5] and Internet based communication system[6] for the future Convention (hereinafter iSupport). The system would assist the effective implementation of the Convention and lead to greater consistency in practice in the different States as it would follow the language of the Convention. The system would also help significantly to improve communications between Central Authorities[7] and could alleviate translation problems as it could operate in different languages.[8]  Such a system could assist the daily operations of the Central Authorities set-up under the Convention and help considerably to improve standards of case management to lead the way towards paperless case management. The system could also generate the required statistics[9] as part of the means of monitoring the operation of the Convention. In addition to the management and monitoring of cases, the system could provide instructions to banks with regard to electronic transfer of funds[10] and could send and receive secured online communications and applications[11] under the Convention.

4.    The Forms Committee of the Special Commission on Child Support and other Forms of Family Maintenance is developing forms in this respect. The forms being developed by the Committee make use as much as possible of "tick-boxes" and require "open-text" answers as little as possible, such as for names of parties and competent authorities and their contact details. Thus making these forms available in different languages will allow countries to overcome language barriers; it will be possible to complete a form in English and to read it in Spanish, with the exception of the "open-text" answer, which, in most cases being names, would not need to be translated.[12]  The Forms Committee is also examining the language of the Convention in relation to these forms in order to make certain that they are medium-neutral so as to allow the electronic transmission of applications without difficulties.


## SUMMARY DESCRIPTION OF A MOCK-UP iSUPPORT SYSTEM

5.    What follows is a brief description of the main functions of a mock-up of the iSupport system developed by the Permanent Bureau. The system will be divided in two groups: (1) General functions that will be available at any given screen (left hand side vertical menu) and (2) File specific functions available when a specific file is open (horizontal top menu).

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[4] M. Patrick Gingras.
[5] Under the system envisaged, all the information pertaining / belonging to a Central Authority would be stored on servers within that Central Authority. Information / data would not be stored with third parties.
[6] This would be a secured system guaranteeing integrity, irrevocability, identification / authentification, access control and confidentiality of the information communicated. For further information regarding these concepts, see the Report drawn up by Philippe Lortie, First Secretary, "Transfer of Funds and the Use of Information Technology in relation to the International Recovery of Child Support and other Forms of Family Maintenance", Prel. Doc. No 9 of May 2004, for the attention of the Special Commission of June 2004, and Annex to Prel. Doc. No 9. Both documents are available at < www.hcch.net >, *ibid.*
[7] Prel. Doc. No 16, *supra*, note 2, Article 5.
[8] *Ibid.*, Articles 39-40.
[9] *Ibid.*, Article 46, second paragraph.
[10] *Ibid.*, Articles 10(1) *f)* and 30.
[11] *Ibid.*, Article 12(7).
[12] "Open-text" answers would be completed using alphabetical characters agreed-upon by the users.

## A) General Functions[13]



6.     Under "Communication", it will be possible to have access to the latest "Messages received" and "Applications received" from other Central Authorities or from colleagues from within the same Central Authority. Communications under the system would be limited to Central Authorities. "Messages received" could take the form of: (a) messages concerning a specific file or general information, (b) notes concerning a specific file, or (c) of action reminders. "Applications received" from another Central Authority concerning a specific file could include any application under Article 10, request under Article 6 in combination with an application under Article 10, forms under Article 12 and documents under Articles 20, 25 and 32. All messages and applications received would include a unique international case number indicating the name of the States concerned, the year the case was opened and an identifier number. As soon as the messages and applications would be read they would be automatically filed under their respective file numbers and would automatically populate the data contained in the iSupport case management system.[14]

7.     Through "File", it will be possible to: (a) "Open" an existing file using a search tool, (b) create a "New" file, and (c) consult a "Recent" file, for example one of the last 40 files for which an action has been taken including "Messages received" and "Applications received".

8.     Using "Features", caseworkers will be able to change "Language" at any given point, for example when discussing a file in another language. The system could work in any language it had been translated into. Using the "Monitor" function it would be possible to set automatic reminders, either specific or general, for any action to be taken under the system. Finally, under the "Print Report" function it will possible to generate specific Hague Conference statistical reports or any other tailor-made reports.
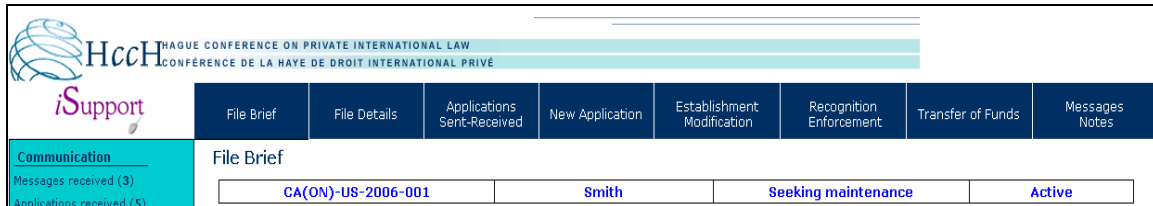
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[13] An enlarged version of this screen can be consulted in the Appendix to this note.
[14] With regard to the location of the data, see, footnote 5, *supra*.

9.    The "Information" section will provide all the "Central Authorities Details" and "Country Profiles" of each State Party to the Convention. This section will also include a separate "e-mail support" for technical assistance purposes and general information "About" the iSupport system such as version number, latest up-dates and online caseworker handbook.

10.    Finally, the "User" section will indicate the "name" of the caseworker logged into the system, provide "Account information" concerning this user such as access rights and file allocation and include the "Log out" function.


## B) File Specific Functions[15]



| HccH | HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW<br>CONFÉRENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVÉ | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| iSupport | File Brief | File Details | Applications Sent-Received | New Application | Establishment Modification | Recognition Enforcement | Transfer of Funds | Messages Notes |
| **Communication** | File Brief | | | | | | | |
| Messages received (**3**) | | | | | | | | |
| Applications received (**5**) | CA(ON)-US-2006-001 | | Smith | | Seeking maintenance | | Active | |

11.    The horizontal menu provides specific functions for the management of information with regard to individual files. The information found in each file is either inputted by the local caseworker or the file data information is automatically populated upon receipt and reading of applications from the counterpart Central Authority. As most of the information concerning a file will be shared between two Central Authorities (some of it could be blocked) the information in the two separate case management systems will be up-dated either upon receipt and reading of Applications or simply by EDI[16] with a notification. At the top of each "File" screen, a summary bar will indicate the "file number", the "name" and the "category" of the file (i.e. whether the person is "seeking maintenance" or "paying maintenance"), and the "status" of the file (i.e. whether the file is "active" or "closed").

12.    The "File brief" function generates a table that includes a "File summary" (i.e. file numbers, family name, category, status and the number of persons for whom maintenance is sought), a "File location" (i.e. country concerned, sub-national unit, if applicable, and name of country) and the relevant dates (i.e. application date, file opened and file closed).

13.    The "File details" function generates a table that includes more detailed information. In summary, it will provide most of the minimum information required according to Article 11 (option 1) for all parties involved.

14.    The "Applications Sent-Received" function provides a list of all the requests, applications, forms and documents sent and received for a specific file under Articles 6, 10, 12, 20, 25 and 32. It provides, at a glance, the history of a file.

15.    The "New Application" function is used to fill-in on line an application under Article 10, a request under Article 6 in combination with an application under Article 10, forms under Article 12 and documents under Articles 20, 25 and 32. When opening any of these documents, all the fields for which there is information already inputted in the "File brief" and "File details'" tables are filled automatically by the system. This also includes the name and contact details of the Central Authorities concerned.

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[15] An enlarged version of this screen can be consulted in the Appendix to this note.
[16] Electronic Data Interchange.

16.    Both the "Establishment / Modification" and "Recognition & Enforcement" functions are meant to assist the management of the information pertaining to these applications either as a Requesting or a Requested Central Authority. They assist tracking the general application history such as the date of the application, whether it has been accepted, if further information is required, if the parties are entitled to legal assistance, etc. They also help follow the file history before the competent authority such as where and when the application was filed, the hearing date, whether maintenance was ordered and on what date and if not for which reasons. The system is set to follow the case at 1$^{st}$ instance, appeal and at last appeal levels. The system will provide a summary of the decision as developed in the Abstract of the Decision under Article 20 *a)*. Finally, the system will allow the monitoring of enforcement measures such as the ones listed under Article 29.

17.    The case specific functions include a "Transfer of Funds" module that will assist the enforcement and monitoring of electronic transfer of funds.

18.    Finally, through the use of a "Messages – Notes" function, it will be possible for a case worker to send messages, either to colleagues or to the other Central Authority involved with the case, some information specific to a case or to add notes or attach documents to a file in order to supplement the case management where it has its own limitations. It is also under that function that the caseworker will obtain the list of a all the messages and notes received and sent with regard to a specific case.

19.    Once the text of the draft Convention is adopted, the Secretariat of the Hague Conference, in consultation with interested States – as it is done for other post-Convention services, could initiate the establishment of functional and technical requirements in order to launch an invitation to tender and to start raising the necessary funding to coordinate the building of the iSupport system.[17]

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[17] The drawing-up of a blue print, the testing and implementation of the system could require additional resources for a period of at least two years.

**APPENDIX**

**A) General Functions**

**B) File Specific Functions**



| HccH HAGUE CONFERENCE ON PRIVATE INTERNATIONAL LAW |
| CONFÉRENCE DE LA HAYE DE DROIT INTERNATIONAL PRIVÉ |

| *i*Support | File Brief | File Details | Applications Sent-Received | New Application | Establishment Modification | Recognition Enforcement | Transfer of Funds | Messages Notes |

**Communication**

Messages received (**3**)

Applications received (**5**)

**File Brief**

| CA(ON)-US-2006-001 | Smith | Seeking maintenance | Active |