

**Special Commission on the International
Recovery of Child Support and other
Forms of Family Maintenance
(7-18 June 2004)**

Distribution: by e-mail and fax

**Proposal by the delegations of Australia, Canada, Germany, the Netherlands, the
United Kingdom, the United States of America and the National Child Support
Enforcement Association**

Country Profile Subcommittee Report

Background

At the Hague Special Commission on the International Recovery of Child Support in May 2003, an informal working group, the Administrative Cooperation Working Group (ACWG), was formed to discuss and exchange information on improving administrative cooperation among countries that handle international child support cases.

At the first ACWG conference call held on November 5, 2003, members agreed to work on three priority projects. The ACWG created three sub-committees to address the following projects: country profiles and exchange of information, standard forms and procedures, and timelines for case processing. Individual countries volunteered to take the lead for these projects although all countries were invited to participate.

Country Profile Sub-committee

The sub-committee on country profiles and information exchange includes representatives from Australia, Canada, Germany and the United States. The purpose of this sub-committee is to draft a country profile that includes relevant country-specific information so that other countries can understand the administrative, operational, and policy requirements for processing cases with that country. The work done by this sub-committee was accomplished by email and conference calls.

Three conference calls were held to discuss the content of the country profile to ensure that it contained useful and detailed information without being too long.

The first draft of the country profile was shared with the ACWG at their second conference call held on February 18, 2004. This document was circulated among the countries for feedback on the country profile length, on the essential versus discretionary data, and on where and how data should be stored, displayed and updated. The ACWG discussed the possibility of storing the country profiles on: 1) the Hague Conference Website (either the full profile or a shorter profile with essential data and links to individual country websites for additional details), or; 2) on individual countries' websites, with links from the Hague Conference Website. Taking all comments and suggestions into consideration, the committee developed the attached country profile to present to the Special Commission at the June 2004 meeting. Germany and Australia are currently completing the country profile for their respective countries. While considerable progress has been made, the subcommittee views the country profile as a "work-in-progress" that will need further refinement and discussion.

COUNTRY PROFILE

Prepared for the Administrative Cooperation Working Group

Essential Section

A. Contacts

A1. Central Authority in your country including:	
Name	
Address	
Telephone	
Fax	
Electronic mail address	
Website	
Contact person(s)	
A2. Transmitting Authority in your country including (if different):	
Name	
Address	
Telephone	
Fax	
Electronic mail address	
Website	
Contact person(s)	
A3. Receiving Authority in your country including (if different):	
Name	
Address	
Telephone	
Fax	
Electronic mail address	
Website	
Contact person(s)	
A4. Payment Address (Where should payments be sent?)	
Name	
Address	
Telephone	
Fax	
Electronic mail address	
Website	
Contact person(s)	
A5. Which languages do personnel in your authority use and accept?	
A6. Key terms that are used in your country (see Hague website for definitions of terms [http://www.hcch.net/e/workprog/maint.html]. Examples:	
Custodial Parent. (e.g. 'resident parent', 'obligee', 'payee' etc),	
Non-Custodial Parent. (e.g. 'non-resident parent', 'obligor', 'payer')	

etc),	
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Administrative Authority or Judicial Authority (e.g. 'tribunal')	
No longer subject to ordinary forms of review	
Provisional Order	
Notary Public	
Certified Copy	
A7. Other key terms (Please specify any unique terms or terms that you are aware have a specific meaning in your country compared to another country)	
A8. Please provide a short overview of the process that occurs when a case is received in your country. Please indicate which agency receives the case, where the case is sent for processing, and the steps that occur in initiating action on the case. The purpose of this question is to provide the caseworker in the transmitting country a general understanding of the steps that will take place in working the case.	
A9. On average, how long will it take before the transmitting country is notified of the action(s) taken on a case? This should link to the Timeframes subcommittee (perhaps a hyperlink?)	

B. General

OVERVIEW OF YOUR COUNTRY'S INTERNATIONAL MAINTENANCE ARRANGEMENTS – Indicate if the maintenance arrangements are different if the (a) applicant or (b) respondent live abroad.

B1. Please specify when a child maintenance decision would normally end.	
What is the age of majority?	
Specify if child maintenance ends prior to the age of majority and the circumstances.	
Specify if child maintenance can extend beyond the age of majority and the circumstances.	
B2. What are the details of the procedures in your country to vary or modify a maintenance decision?	
B3. Can the variation or modification be made retrospective or prospectively or both? Please specify any limitations and the basis.	
B4. Do you have any statute of limitations for:	
Establishing paternity?	
Establishing a maintenance obligation?	
Enforcement of maintenance debt?	
If yes please specify.	
B5. Are you able to obtain maintenance for	

any prior period? If so please specify any limitations.	
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C. Acting As Receiving State

REQUIREMENTS

C1. When acting as a Receiving State, do you recognize (a) a "decision" of maintenance made in the country of origin or (b) an application to initiate or (c) accept both?	
C2. Are there any restrictions on the basis of the maintenance decision (please specify) – for example administrative, judicial or provisions?	
C3. For both (a) and (b) above, what information do you require including:	
What information do you require about the Custodial Parent? (e.g. name , date of birth, address, income information, assets and liabilities, photograph, identification number such as Social Security Number)	
What information do you require about the Non-Custodial Parent? (e.g. name , date of birth, address, income information, assets and liabilities, photograph, identification number such as Social Security Number)	
What information do you require about the Children? (e.g. name , date of birth, address, care arrangements, photograph)	
What information do you require about the liability – e.g. the basis of the decision and history of the case?	
What details do you require about the parents' relationship? (e.g. dates and details of cohabitation / marriage / separation / divorce etc)	
Do you require proof of the relationship? (e.g. affidavits from the custodial parent, marriage certificates, joint bank statements, divorce decrees etc)	
C4. Will you accept an application to initiate maintenance or recognize maintenance decision for a prior period only? Please specify any limitations. (i.e. no ongoing/prospective support)	
C5. What documentation do you require – specify which documentation must be original.	
Do you make use of standard forms? If so please supply copies. Link to Forms subcommittee.	
Do you require any documents to be certified? Please specify.	

OTHER SERVICES

C6. Please specify if you provide the following services and the requirements for providing those services:	
/// Service of notice	

/// What information is required to initiate a client location request? Is a form required?	
/// Obtaining income details	
/// Assistance with determining parentage	
/// Assistance with parents disputing parentage for example arranging for DNA testing.	

/// Case status inquiry (enforcement update, including regularity, link to Timelines subcommittee)	
/// Other – please specify	

FORMS OF REVIEW

C7. What forms of review are available to either parent when seeking to change a maintenance liability that you have recognized?	
What are the circumstances under which a review will be conducted??	
Which authority is responsible for this decision?	
What is the process and are there any standard forms required?	
Are there requirements for non resident for giving notice of proceeding or participating in the proceedings? Please specify.	
C8. Can the variation or modification be made retrospective or prospectively or both? Please specify any limitations and the basis.	
C9. Do you recognize changes that are made to the original decision in the transmitting state? If no, please specify what the limitations are and outline the key steps or requirements.	

PAYMENTS AND FINANCIAL INFORMATION

C10. What are your arrangements for sending payments that you have collected from a liable parent to the transmitting authority? Please specify the following:	
/// Typical costs associated with this process.	
/// Whether the transmitting agency or the creditor are the preferred recipient	
/// Whether you are able or prefer electronic funds transfer	
/// Any other special requirements	

D. Acting As Transmitting State

TRANSMITTING REQUIREMENTS

D1. Do you specify the conversion of the maintenance liability to the currency of the receiving State? If so, what is the basis for the conversion?	
D2. Do you make use of standard forms? If so please provide copies.	
D3. Do you send only maintenance decisions made in your jurisdiction or do you send applications to initiate or both? Please specify the circumstances if both.	

REASSESSMENT/ADJUSTMENT/MODIFICATION

D4. Are maintenance decisions subject to periodic adjustment to reflect changes, for example changes in the standard of living, cost of living, financial circumstances of the parties? If so, please specify.

<p>D5. In what circumstances may a maintenance decision made by you be varied or modified after transmission to another state by (a) the resident creditor or (b) the non resident debtor? Is this determined through an administrative or judicial process?</p>	
<p>D6. Do you recognize the right of the receiving state to modify or vary your state's maintenance decision and/or arrears? If not, please specify why.</p>	

PAYMENTS

<p>D7. In what form would you like to receive payments, i.e. check, cash, EFT, collected on your behalf by an overseas authority?</p>	
<p>D8. Do you require payments to be paid directly to the transmitting authority? Or directly to the custodial parent?</p>	
<p>D9. Are you capable of receiving electronic funds transfer? If so, what details do you require?</p>	
<p>D10. Do you have any special requirements for receiving payments?</p>	

OPTIONAL SECTION

E. General

OVERVIEW OF YOUR COUNTRY'S INTERNATIONAL MAINTENANCE ARRANGEMENTS – Indicate if the maintenance arrangements are different if the (a) applicant or (b) respondent live abroad.

E1. Details of the relevant legislation. Include a website reference if available.	
E2. Details of eligibility including:	
Who is eligible to benefit from a maintenance decision? (e.g. child – are legitimate children and children out of wedlock treated equally? Spouse or other family members? Please specify.)	
Who is included as a dependent child?	
E3. Details of the procedures for the initial assessment including:	
Is maintenance determined through an administrative or judicial process?	
If administrative, what are the principal elements involved in making the assessment. (e.g. By formula, % of income, judicial or administrative discretion.)	
E4. Who is the creditor in child support matters? (e.g.. the parent or the child)	
E5. Is there a ranking of obliges? (e.g. if there are several children out of different relation-ships, a current and an ex-spouse etc.)?	
E6. What kind of support is owed (cash or other support) and by whom?	
E7. What happens if the obligor owes/has been ordered to pay more than he can afford? (e.g. do all obligees get a proportional share or is it "first come, first serve"?)	
E8. Does your country have a protected earnings rate (or other deductibles)?	
E9. What happens with the support claim under your country's insolvency law? (e.g.. Does it make a difference whether there is an order for child support or not)?	
E10. Do social welfare payments or other child-related payments influence the support claim? If so please specify.	
E11. Does it matter whether such payments are made by an authority or by a private third party? Please specify any requirements / legislation for the authority seeking reimbursement from the non-custodial parent (NCP) or if the authority assumes this maintenance responsibility.	
E12. What can be included in a maintenance decision? Please specify. (e.g. attorney's fees, other court costs, medical costs etc.)	
E13. Under which conditions is interest or late payment penalty owed?	
Are there any conditions in your country to collect interest on arrears?	

Are these amounts forwarded to the obligee?	
E14. When assessing the support amount, how is the non-custodial parent's child support capacity determined?	
What kind of expenses can he/she deduct from his/her earnings?	

Do tables for levels of maintenance exist? Are they binding or just a guide?	
Are any other person's income considered? (e.g. current spouse, child)	
E15. Is there an automatic increase of the amount and if so, under which conditions? Cost of living adjustment?	
E16. If the obligor pays a monthly amount that does not cover the current support as well as arrears, how is it determined which debt the money is paid on and who makes such a decision? Is there legislation that gives a certain sequence by law?	
E17. Do you require a document stating that this judgment is final and no longer subject to ordinary forms of review?	

JURISDICTION AND APPLICABLE LAW

E18. Please specify any applicable legislation and requirements in relation to jurisdiction both for initial decisions and for modifications of decisions made within your jurisdiction and also outside your jurisdiction.	
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F. Acting As Receiving State

POWERS OF ENFORCEMENT

F1. What are the procedures for enforcing maintenance decisions which you have recognized?	
F2. Please list the methods available for the enforcement of maintenance decisions. In particular, please indicate whether any of the following enforcement / collection methods are available in your jurisdiction:	
<input checked="" type="checkbox"/> Wage withholding	
<input checked="" type="checkbox"/> Tax refund intercepts	
<input checked="" type="checkbox"/> Garnishment from bank accounts or other sources	
<input checked="" type="checkbox"/> Deductions from social security payments	
<input checked="" type="checkbox"/> Seizure &/or forced sale of property/assets	
<input checked="" type="checkbox"/> Division of pension benefits	
<input checked="" type="checkbox"/> Committal to prison	
<input checked="" type="checkbox"/> The power to prohibit a liable parent from leaving your country	
<input checked="" type="checkbox"/> Other – please specify	

G. Acting as Transmitting State

TRANSMITTING REQUIREMENTS

G1. Please specify the requirements in transmitting a maintenance decision to another state.	
G2. Are there any restrictions compared to your domestic arrangements Please specify.	

FOLLOWING RECOGNITION

G3. Following recognition of the maintenance decision in the other state do you require notification of the recognition?	
G4. Does the recognition in the other state affect the status of the original decision? If so, please specify.	

H. Any Other Information That May Be Useful

Please provide any other information concerning your arrangements that may be of benefit for other overseas authorities to be aware of.