

**RAPPORT DU GROUPE DE TRAVAIL SUR LA COOPÉRATION ADMINISTRATIVE DE LA
COMMISSION SPÉCIALE DE JUIN 2006 SUR LE RECOUVREMENT INTERNATIONAL DES
ALIMENTS ENVERS LES ENFANTS ET D'AUTRES MEMBRES DE LA FAMILLE**

*préparé par le Groupe de travail sur la coopération administrative
qui s'est réuni en novembre 2005
et janvier et mai 2006*

* * *

**REPORT OF THE ADMINISTRATIVE CO-OPERATION WORKING GROUP OF THE SPECIAL
COMMISSION OF JUNE 2006 ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND
OTHER FORMS OF FAMILY MAINTENANCE**

*prepared by the Administrative Co-operation Working Group
which met in November 2005
and January and May 2006*

*Document préliminaire No 19 de juin 2006
à l'intention de la Commission spéciale de juin 2006
sur le recouvrement international des aliments
envers les enfants et d'autres membres de la famille*

*Preliminary Document No 19 of June 2006
for the attention of the Special Commission of June 2006
on the International Recovery of Child Support
and other Forms of Family Maintenance*

**RAPPORT DU GROUPE DE TRAVAIL SUR LA COOPÉRATION ADMINISTRATIVE DE LA
COMMISSION SPÉCIALE DE JUIN 2006 SUR LE RECOUVREMENT INTERNATIONAL DES
ALIMENTS ENVERS LES ENFANTS ET D'AUTRES MEMBRES DE LA FAMILLE**

*préparé par le Groupe de travail sur la coopération administrative
qui s'est réuni en novembre 2005
et janvier et mai 2006*

* * *

**REPORT OF THE ADMINISTRATIVE CO-OPERATION WORKING GROUP OF THE SPECIAL
COMMISSION OF JUNE 2006 ON THE INTERNATIONAL RECOVERY OF CHILD SUPPORT AND
OTHER FORMS OF FAMILY MAINTENANCE**

*prepared by the Administrative Co-operation Working Group
which met in November 2005
and January and May 2006*

TABLE OF CONTENTS

	Page
REPORT OF THE ADMINISTRATIVE CO-OPERATION WORKING GROUP.....	4
ANNEX A – FLOW CHART ON RECOGNITION AND ENFORCEMENT OF A FOREIGN JUDICIAL ORDER / ADMINISTRATIVE ORDER UNDER THE CONVENTION	8
REPORT OF THE MONITORING AND REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE CONVENTION SUB-COMMITTEE.....	11
COUNTRY PROFILE REPORT	20
STATE PROFILE.....	24

**PART I – REPORT OF THE ADMINISTRATIVE CO-OPERATION
WORKING GROUP**

REPORT OF THE ADMINISTRATIVE CO-OPERATION WORKING GROUP

Australia, Belgium, Brazil, Canada, China, China (Hong Kong SAR), Costa Rica (Co-convener), Finland, Germany, Hungary (Co-convener), Japan, Netherlands, New Zealand, Switzerland, United Kingdom, United States of America (Co-convener), DIJuF, IAWJ, and NCSEA

Introduction

1. At the Special Commission meeting of June 2004, the informal Administrative Co-operation Working Group became a fully constituted Hague Special Commission Working Group on the Operational Aspects of Administrative Co-operation. The Working Group's role as a formal committee, assisted by the Permanent Bureau, with an expanded number of co-convener and sub-committee co-chairs, is to support the work of, and to report formally to, the Special Commission.

2. During the 1999 and 2003 Special Commissions, experts agreed that "the international system for the recovery of child support and other forms of family maintenance is excessively complex and that provisions for administrative co-operation need to be overhauled and properly monitored".¹ The view has been supported that "the establishment of an effective system of administrative co-operation will be an essential, and perhaps the most important, element in the new instrument on the international recovery of maintenance".² Overall, the system should be capable of being cost effective, flexible and user-friendly, processing requests swiftly and should not impose obligations which are too burdensome.³ The Administrative Co-operation Working Group works to support these objectives.

Membership

3. Any Member State of the Hague Conference and any State or International Organisation invited to participate in the Special Commission on the International Recovery of Child Support and other Forms of Family Maintenance may take part in the work of the Working Group.

4. In October 2005, the Permanent Bureau, on behalf of the joint convenors of the Working Group, circulated a formal invitation to take part in the work of the Group to Member States of the Hague Conference, to other States and international organisations which had been invited to participate in the June 2004 and April 2005 Special Commission meetings, to the individuals who participated in those meetings, as well as to persons participating in the regional meeting of the Americas held in August 2003.

5. Approximately 60 individuals from 15 countries and organisations participated in this year's Administrative Co-operation Working Group.

Goals

6. The Administrative Co-operation Working Group has two main goals:

- to improve administrative co-operation among those countries that handle international child support and other forms of family maintenance; and
- as appropriate, to develop possible recommendations on administrative co-operation for the Hague Special Commission meeting in June 2006.

¹ "Report on the first meeting of the Special Commission on the international recovery of child support and other forms of family maintenance (5-16 May 2003)", Prel. Doc. No 5 of October 2003, p. 15, drawn up for the attention of the Special Commission of June 2004.

² "Towards a New Global Instrument on the International Recovery of Child Support and other Forms of Family Maintenance", Prel. Doc. No 3 of April 2003, Chapter II, pp. 8-9 and 13, drawn up for the attention of the Special Commission of May 2003.

³ *Ibid.*, Chapter II, p. 13.

7. These goals are based on the assumption that improving administrative co-operation among countries is the key to improving international child support and other forms of family maintenance enforcement.

Structures

8. The Administrative Co-operation Working Group is structured as a working group, and decisions are reached by group consensus. Members of the Permanent Bureau of the Hague Conference on Private International Law serve as facilitators, and Mary Helen Carlson (the United States of America), Maria Kurucz (Hungary) and Jorge Aguilar Castillo (Costa Rica) were appointed as co-convenors of the Working Group.

9. Sub-committees were utilised in order to focus on priority topics that were identified by the Working Group. The Sub-committees were made up of volunteers from the numerous States and International Organisations invited to participate in the Special Commission.

Working methods

10. The Administrative Co-operation Working Group held teleconference calls between the 2005 and 2006 Special Commissions and also communicated via e-mail and a listserv. The Working Group extends its thanks to the United States Department of Health and Human Services for facilitating and providing financial support for this process. Sub-committees met more frequently, also by teleconference calls, individual listserv's and e-mail. Significantly, two very productive in-person meetings were held: in March 2006 the Country Profile Sub-committee met in Ottawa, Canada, and in January 2006 the Monitoring and Review of the Operation and Implementation of the Convention Sub-committee met in Brussels, Belgium.

Activities

11. The Administrative Co-operation Working Group met three times via teleconference; on 7 November 2005, 24 January 2006 and 8 May 2006. Meetings were in fact conducted in English though facilities were available on request for French and Spanish interpretation.

12. At the first call, the Administrative Co-operation Working Group prioritised two topics to focus on for the upcoming 2006 Special Commission: the Country Profile, and the Monitoring and Review of the Operation and Implementation of the Convention. Consultations have taken place between the Administrative Co-operation Working group and the Forms Working Group (the Forms Working Group was previously a sub-committee of the Administrative Co-operation Working Group but was formalized at the April 2005 Special Commission meeting.)

13. The Country Profile Sub-committee was tasked with developing a Country Profile questionnaire, for the purpose of sharing "relevant country-specific information so that other countries can understand the administrative, operational and policy requirements for processing cases with that country".⁴ This profile will be an extremely useful tool for international case processing under the new Convention.

14. The Monitoring and Review of the Operation and Implementation of the Convention Sub-committee was tasked with discussing issues related to post-Convention implementation. Examples of such issues include determining various mechanisms for reviewing Convention implementation, disseminating good practices and considering the establishment of an advisory committee that will provide ongoing post-Convention implementation assistance.

15. The full reports of the two sub-committees follow. In addition, a flow chart on Recognition and Enforcement of a Foreign Judicial Order / Administrative Order Under the Convention is included as an Annex to this Report. The flow chart, which is at the early stages of development, describes the recognition and enforcement process for a foreign decision in accordance with the current tentative draft Convention text (Prel. Doc. No 16). It takes into account all the different alternatives included in the tentative draft, for example the direct application and the application through Central Authorities. The flow chart also

⁴ Work. Doc. No 5, p. 1.

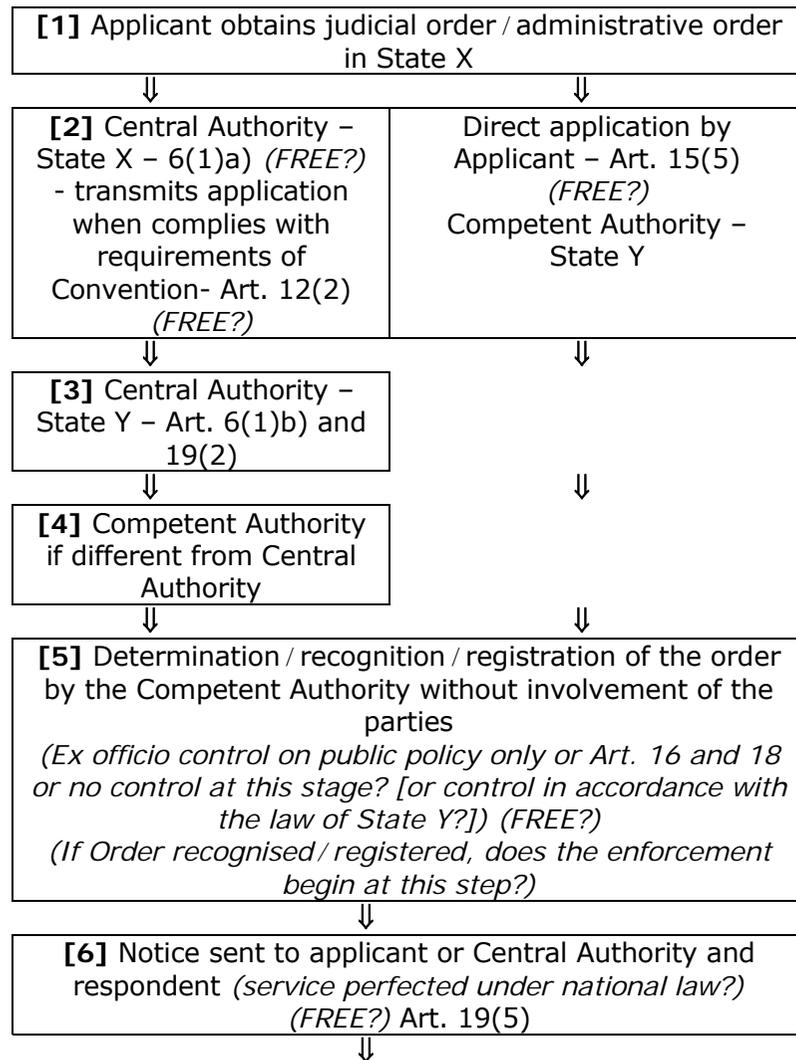
highlights a number of issues that have not yet been fully discussed by the Special Commission and for which guidance may be required (for example, the availability of free legal assistance at different stages of the process, the ex officio control, the registration of the decision, the law under which the service is effected). The Administrative Co-operation Working Group extends its thanks to the Government of Canada and to the Permanent Bureau of the Hague Conference on Private International Law for their work on this flow chart.

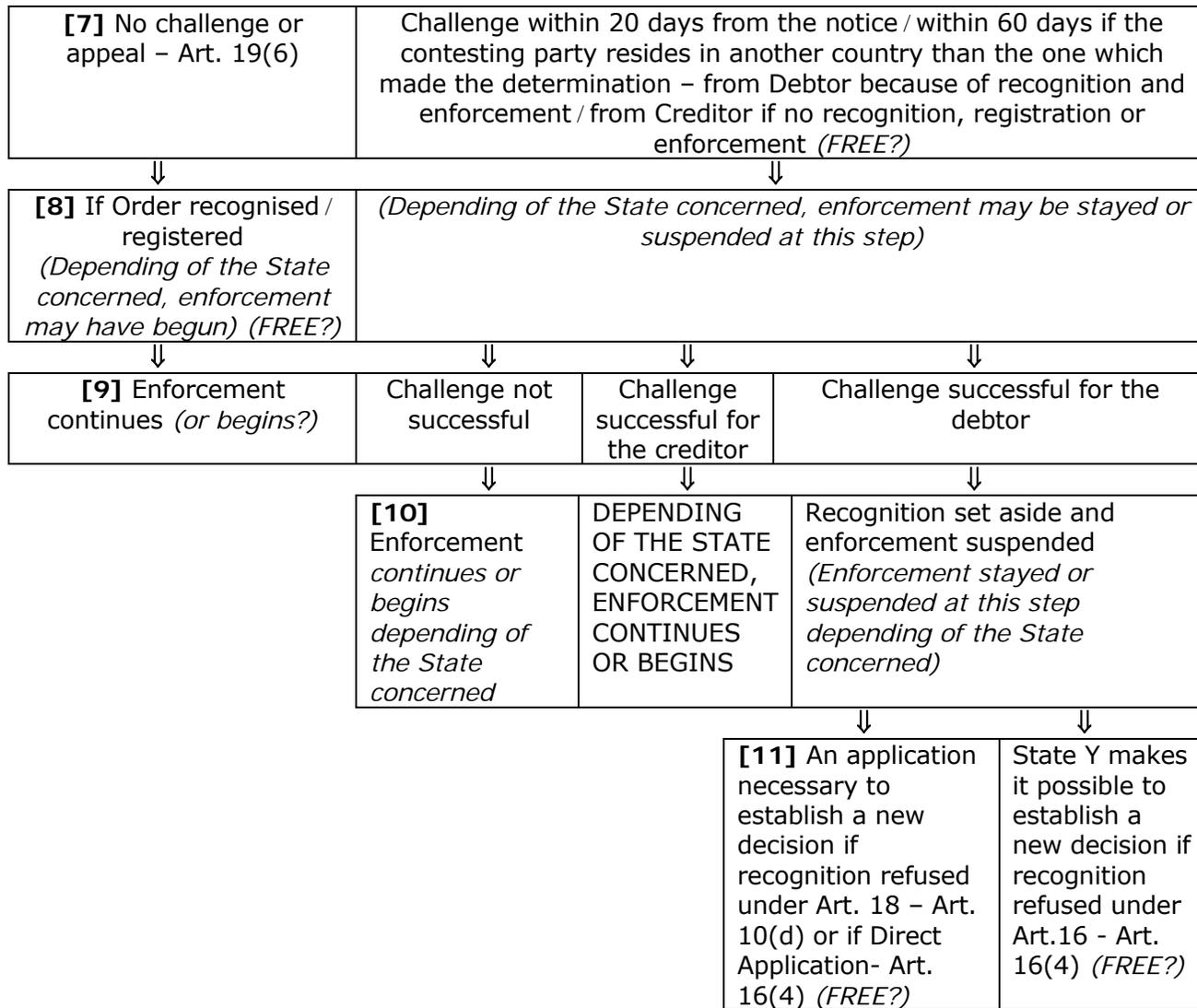
16. The work being carried out by the Administrative Co-operation Working Group and its Sub-Committees should be regarded as work "in progress". The sub-committee reports contain many detailed suggestions, not all of which are necessarily supported by every member of the Sub-Committee or of the Administrative Co-operation Working Group. However, the Working Group as a whole has reviewed the sub-committee reports and endorses their general directions, recognising the need for continuing work which will take into account any feedback and guidance from the Special Commission.

**ANNEX A – FLOW CHART ON RECOGNITION AND ENFORCEMENT OF A FOREIGN
JUDICIAL ORDER / ADMINISTRATIVE ORDER
UNDER THE CONVENTION**

**ANNEX A – FLOW CHART ON RECOGNITION AND ENFORCEMENT OF A FOREIGN JUDICIAL
ORDER / ADMINISTRATIVE ORDER UNDER THE CONVENTION**

(All States involved are party to the Convention)





**PART II – REPORT OF THE MONITORING AND REVIEW OF THE OPERATION AND
IMPLEMENTATION OF THE CONVENTION SUB-COMMITTEE**

REPORT OF THE MONITORING AND REVIEW OF THE OPERATION AND IMPLEMENTATION OF THE CONVENTION SUB-COMMITTEE

(Administrative Co-operation Working Group)

Hungary (Co-Chair), the United States of America (Co-Chair), Canada, Germany, the United Kingdom, Australia, the Netherlands and NCSEA

Introduction

1. The Monitoring and Review of the Operation and Implementation of the Convention Sub-committee was tasked with discussing issues related to post-Convention implementation. Examples of such issues include determining various mechanisms for reviewing Convention implementation, disseminating good practices and considering the establishment of a standing committee that will provide ongoing post-Convention implementation assistance. The work done by this Sub-committee was accomplished by e-mail and conference calls.
2. The Sub-committee spent the majority of its time on the issue it considered most important: suggesting changes to the draft convention. All of the obligations the Sub-committee is proposing in this discussion paper may be fulfilled easily by filling in the Country Profile. (The decision of how and when the Profile will be presented we leave to the Country Profile Sub-committee.) However, as there will be no obligation for each Contracting State to fill in the Country Profile, this Sub-committee is of the opinion that the only way to ensure that the most important information is available from all States is to insert the proposed obligations into the Convention itself.
3. The Sub-committee also discussed the establishment of a Central Authority Co-operation Committee, re-affirmed its support for a Guide to Good Practice under the Convention, and gained further insight into statistical data collection as a part of monitoring Convention implementation and performance.
4. This discussion paper should be regarded as work "in progress". The paper contains many detailed suggestions, not all of which are necessarily supported by every member of the Sub-committee. In particular, some members of the Administrative Co-operation Working Group wish to reserve their position on the proposed changes to the text of the draft Convention until the discussion of these changes at the June 2006 Special Commission. However, the Sub-committee as a whole has reviewed this paper and endorses the general direction, recognising the need for continuing work which will take into account any feedback and guidance from the Administrative Co-operation Working Group.

PART I – Draft Convention provisions where Contracting States or Central Authorities have specified responsibilities or requirements that may be appropriate to monitor

5. It is this Sub-committee's position that States should not take ratification of the Convention lightly without carefully considering what they are agreeing to do. The information required under the Convention is needed for States to work together successfully under the Convention. Significantly, the information being required offers the transparency needed to assist the Special Commission in monitoring the Convention's implementation.
6. Among its tasks, the Monitoring and Review of the Operation and Implementation of the Convention Sub-committee examined the current draft Convention (Prel. Doc. No. 16) to identify provisions where Contracting States or Central Authorities have specified responsibilities or requirements that may be appropriate to monitor in order to ensure effective implementation of the Convention. The purpose of this part of the discussion paper is to highlight those provisions.

7. As noted below, several Articles of the Convention currently require Contracting States to provide certain information to the Permanent Bureau. This information is necessary for successful co-operation and, at the same time, facilitates monitoring of the implementation of the Convention. The Sub-committee used those provisions as the model for suggested language changes to other Articles, which include specific responsibilities but lack a method for monitoring performance. This paper also includes an inquiry to the Drafting Committee.

8. We begin by noting those Articles that already contain monitoring methods. Article 5 requires that Central Authorities provide to the Permanent Bureau information about the laws and procedures concerning maintenance obligations in their States. Article 31 requires that Contracting States provide the Permanent Bureau with a description of their enforcement rules and procedures at the time of becoming a party to the Convention. These two Articles convey the importance of a State's fulfilling its obligations under the Convention and provide the foundation for monitoring whether a Contracting State has met its responsibilities under Article 19, Procedure on an application for recognition and enforcement, and Article 27, Enforcement under national law. In addition, the Country Profile Sub-committee is developing a Country Profile template which will assist States in providing information about specific enforcement remedies available in the Responding State. Another critical provision is Article 46, Review of practical operation of the Convention. This Article ensures that the Permanent Bureau has information regarding the effectiveness of the Convention at an operational level.

9. The remainder of this part identifies Articles that place responsibility on Central Authorities and Contracting States, but which lack monitoring provisions similar to those above.

Services

Article 4 Designation of Central Authority

1. A Contracting State shall, at the time when the instrument of ratification or accession is deposited, designate a Central Authority to discharge the duties that are imposed by the Convention on such an authority.

2. [...] Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed. [...]

3. The designation of the Central Authority or Central Authorities, their contact details, and where appropriate the extent of their functions as specified in paragraph 2, shall be communicated by each Contracting State to the Permanent Bureau of the Hague Conference on Private International Law. Contracting States shall promptly inform the Permanent Bureau of any changes.

Method to monitor – Article 4 requires the designation of the Central Authority at the time the instrument of ratification or accession is deposited. However, it is unclear whether contact details and information about the extent of a Central Authority's functions must also be specified at the time of ratification. At a minimum, such information is required to be provided to the Permanent Bureau, along with the duty to keep the information current.

Suggested language change:

1. A Contracting State shall, before the Convention comes into force for that State, designate a Central Authority to discharge the duties that are imposed by the Convention on such an authority.

2. [...] Where a State has appointed more than one Central Authority, it shall designate the Central Authority to which any communication may be addressed [...].

3. The designation of the Central Authority or Central Authorities, their contact details, and where appropriate the extent of their functions as specified in paragraph 2, shall be communicated by each Contracting State to the Permanent Bureau of the Hague Conference on Private International Law before the Convention comes into force for that State. Contracting States shall promptly inform the Permanent Bureau of any changes.

Article 5 General functions of Central Authorities

Central Authorities shall –

- a) [...];
- b) provide information to the Permanent Bureau as to the laws and procedures concerning maintenance obligations in their States; [...]

Method to monitor – Article 5 sets forth its own monitoring mechanism because the Permanent Bureau will know whether the Central Authority of a particular State has provided such information. However, unlike Article 31, the Article has no time frame for providing the information.

Suggested language change

Central Authorities shall –

- a) [...];
- b) at the time their States become parties to this Convention, provide the Permanent Bureau of the Hague Conference on Private International Law with a description of their laws and procedures concerning maintenance obligations in their States. Such information shall be kept up-to-date by the Contracting States. States may, in fulfilling their obligations under 5 b), utilise the Country Profile [Annex to Convention]. The Country Profile as annexed may be amended from time to time by a Special Commission.

Article 6 Specific functions of Central Authorities

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

- a) transmit and receive such applications;
- b) initiate, or facilitate the institution of, proceedings in respect of such application.

2. In relation to such applications they shall take [all appropriate measures] [the most effective measures available] -

- a) where the circumstances require, to provide or facilitate the provision of legal assistance;
- b) to help locate the debtor;
- c) to help to obtain relevant information concerning the income and other financial circumstances of the debtor or creditor, including the location of assets;
- d) to encourage amicable solutions with a view to obtaining voluntary payment of maintenance, where suitable by use of mediation, conciliation or similar processes;
- e) to facilitate the ongoing enforcement of maintenance decisions including any arrears;
- f) to facilitate the [collection and] expeditious transfer of maintenance payments;
- g) to facilitate the obtaining of documentary or other evidence;
- h) to provide assistance in establishing parentage where necessary for the recovery of maintenance;
- [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;]
- [j) to facilitate service of documents.]

3. The functions of the Central Authority under this Article may, to the extent permitted under the law of that State, be performed by public bodies, or other bodies subject to the supervision of the competent authorities of that State. The designation of any such public bodies or other bodies as well as their contact details and the extent of their functions shall be communicated by a Contracting State to the Permanent Bureau of the Hague Conference on Private International Law. Contracting States shall promptly inform the Permanent Bureau of any changes.

Method to monitor – The Convention provides no method for monitoring compliance with this Article.

It is suggested that language be added to Article 5, which lists General Functions of Central Authorities.

Suggested language change:

Article 5

c) *bis* Central Authorities shall, at the time their States become parties to this Convention, provide to the Permanent Bureau of the Hague Conference on Private International Law a description of the measures they will take to meet their obligations under Article 6(2). States may, in fulfilling their obligations under 6(2), utilise the Country Profile [Annex to the Convention]. Such information shall be kept up-to-date by the Contracting States.

The Country Profile Sub-committee has included a section in the Country Profile, specifically tied to Article 6(2), which requests that the responding State specify how each of these services will be provided. Such information is important for two reasons. First, the existence of a law does not mean that there is a procedure in place to implement the law. Second, it is contemplated that various States will provide different levels of assistance, based on their internal resources. It is important that signatory countries demonstrate their commitment to providing these services, which are fairly minimal, by detailing what level of service they will be providing. For example, how will a State help locate a debtor? Does the State have a national database of identifying information that it can access on behalf of Convention applications or is locate performed by manually checking resources?

Article 13 Effective access to procedures

1. The requested State shall provide applicants with effective access to the procedures, including appeal procedures, arising from applications under Chapter III, where necessary by the provision of free legal assistance.

2. The requested State shall not be obliged to provide the legal assistance referred to in paragraph 1 where the procedures are designed to enable the applicant to make the case without the need for such assistance, and where the Central Authority provides such free services as are necessary.

3. The provision of free legal assistance may be made subject to a means or a merits test. A Contracting State may declare under Article 55 that it will provide free legal assistance in applications concerning child support on the basis of the assessment of the child's means only, or without any means test at all.

4. Entitlements to free legal assistance shall not be less than those available in equivalent domestic cases.

[5. A creditor, who in the State of origin has benefited from complete or partial legal aid or exemption from costs or expenses, shall be entitled, in any proceedings for recognition or enforcement, to benefit from the most favourable legal aid or the most extensive exemption from costs or expenses provided for by the law of the State addressed.]

Method to monitor – The Convention provides no method for monitoring compliance with this Article.

It is suggested that language be added to the Convention requiring that a Contracting State shall provide information to the Permanent Bureau as to how effective access to procedures will be provided to applicants, including, where necessary, free legal assistance.

Suggested language change:

Article 13

5. bis A Contracting State shall, when the Convention comes into force for that State, provide the Permanent Bureau of the Hague Conference with a description of how it will provide applicants with effective access to procedures, as required under paragraphs 1 and 2. Such information shall be kept up-to-date by the Contracting State.

Laws

Article 32 Public bodies as applicants

[...]

3. A decision rendered against a debtor on the application of a public body which claims reimbursement of benefits paid in place of maintenance shall be recognised and enforced in accordance with this Convention [if reimbursement can be obtained by the public body under the law to which it is subject].

4. A public body may seek recognition or claim enforcement of a decision rendered between a creditor and maintenance debtor to the extent of the benefits provided for the creditor if it is entitled *ipso jure*, under the law to which it is subject, to seek recognition or claim enforcement of the decision in place of the creditor.

5. Without prejudice to the provision of Article 20, the public body seeking recognition or claiming enforcement of a decision shall furnish any document necessary to prove that it fulfils the conditions of [paragraph 3 or] paragraph 4, and that benefits have been provided for the maintenance creditor.

Method to monitor: The Article sets forth its own monitoring mechanism because it requires the public body seeking to recover reimbursement to provide documentation of its authority to so proceed.

Query for the Drafting Committee: To whom must the public body provide such documentation? To the requested State? When must such documentation be provided? Only upon a challenge?

Suggested language change:

Article 32

[...]

5. Without prejudice to the provision of Article 20, the public body seeking recognition or claiming enforcement of a decision shall furnish, upon request, any document necessary to prove that it fulfils the conditions of [paragraph 3 or] paragraph 4, and that benefits have been provided for the maintenance creditor.

“Upon request” is intended to mean that the requested State may ask the requesting State for additional information. The actual entity making such a request will likely vary among the States. The goal of adding the language “upon request” was to prevent the public body of a requesting State from having to send documents, under subsection 5, with every application: many States will not require such information.

Other considerations

10. Two additional suggestions were made that warrant further consideration. First, it was suggested that the following language be added as a separate article in Chapter VIII – General Provisions of the Convention: *States may, in fulfilling their obligations, utilise the Country Profile [Annex to Convention]. The Country Profile as annexed may be amended from time to time by a Special Commission.* This language has been proposed in Article 5 b) of this Sub-committee’s report but creating a General Provision would further support the applicability of the Country Profile. The Country Profile focuses on information

or services required by the Convention. Its completion ensures that a Requesting State will send the documents / information needed by the Requested State, thereby improving the day-to-day implementation of the Convention and actually decreasing communications with the Central Authority where someone only wants information regarding laws and procedures.

11. The second consideration is to concentrate all requirements for the provision of information into one Article.

PART II – Central Authority Co-operation Committee

12. In the "Report of the Administrative Co-operation Working Group of the Special Commission of April 2005 on the International Recovery of Child Support and other Forms of Family Maintenance",¹ the idea of a standing or advisory committee was suggested. The Sub-committee has given further consideration to this idea and recommends that there should be established a "Central Authority Co-operation Committee" that will provide a forum for the promotion of co-operation among Central Authorities, and assist the Special Commission (convened under Article 46 of the draft Convention) and the Permanent Bureau in post-Convention monitoring and review activities and in providing implementation assistance.

A. Mandate

13. The Committee is not a decision-making body. Instead, the Committee would make proposals to the Permanent Bureau to be considered as recommendations to the Special Commission. The committee could accomplish this purpose through making observations, problem-solving, collecting best practices, and networking among experts from Central Authorities.

B. Membership

14. Membership of the Central Authority Co-operation Committee will consist primarily of Central Authorities of States entering or considering entering the Convention. Membership is not limited to countries who have acceded or those who participated in the Special Commission meetings.

C. Structure

15. The Central Authority Co-operation Committee would meet by conference call, the frequency of which would be determined at a later time.

16. The Central Authority Co-operation Committee would establish, as needed, Sub-committees to better address specific topics that are applicable to the mandate of the Central Authority Co-operation Committee.

D. Possible activities

17. The Central Authority Co-operation Committee would assist the Permanent Bureau by producing, for consideration by the Special Commission convened under Article 46 of the Convention, a report on the activities of the Central Authority Co-operation Committee, including recommendations where appropriate.

18. The Committee would also assist Central Authorities implementing the Convention in three ways, first with understanding Convention language with respect to administrative co-operation, second by removing obstacles to the effective operation of the Convention (for example, reducing complaints under the Convention by identifying issues and taking steps to remove barriers and improve performance), and third, by promoting and facilitating training dissemination of good practices. In this case, the term "training" includes familiarizing interested parties with the details of the Convention and its underlying principles, as well as identifying and sharing good practices. (For example, a "twinning" arrangement could arise if a developing Central Authority seeks assistance from

¹ Prel. Doc. No 15 of March 2005, pp. 53-54, drawn up for the attention of the Special Commission of April 2005.

a developed Central Authority to provide advice, model procedures, training and possibly an exchange of personnel for practical training and experience.)

19. The committee would advise and assist the Permanent Bureau in relation to statistical data collection, analysis and reporting, and in the establishment and operation of a case law database.

PART III – Guide to Good Practice

20. This Sub-committee remains steadfast in its support for a Guide to Good Practice under the Convention. As outlined in the "Report of the Administrative Co-operation Working Group of the Special Commission of April 2005 on the International Recovery of Child Support and Other Forms of Family Maintenance",² the Administrative Co-operation Working Group believes the Guide should be developed by the Permanent Bureau in consultation with States, relevant Organisations, and the Central Authority Co-operation Committee. The "guide would be a practical "how-to" [document] to help Contracting States implement the Convention. It would concentrate on operational issues and be targeted particularly at new Contracting States. It would not be binding nor infringe on the independence of the judiciary".³

PART IV – Statistical data reporting

21. In the "Report of the Administrative Co-operation Working Group of the Special Commission of April 2005 on the International Recovery of Child Support and Other Forms of Family Maintenance", discussion of the collection and dissemination of statistical data under the new Convention was deemed extremely important because statistical reporting measures compliance and performance, helps to identify trends over time, and allows for analysis of progress made.

22. The Sub-committee concluded that when addressing the issue of statistical data collection it must: 1) consider and build upon the Permanent Bureau's experience and ongoing post-Convention work and use of technology; 2) minimise the burden of data collection on Central Authorities; 3) consider and build upon existing implementation experience on the international, national and local levels in child support / maintenance cases in the field of child support / maintenance, co-operation and operations; and 4) focus on data relevant to assist monitoring and review and measuring results of the application of the Convention.

23. This Sub-committee discussed four potential types of data that could be most relevant to assisting the monitoring and review process and measuring the results of the application of the Convention. They are:

- a. Number / volume of cases;
- b. Types of applications, such as establishment and recognition and enforcement;
- c. Percentage amount recovered; and
- d. Time taken to process cases.

24. In the context of its work in relation to the development of a new Convention on the International Recovery of Child Support and other Forms of Family Maintenance, the Permanent Bureau, 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, is examining the possibility to develop an electronic case management system

² *Ibid.*, pp. 55-56, on the Hague Conference web site: www.hcch.net/upload/wop/maint_pd15e.pdf

³ Recommendation made by the 22-28 March 2001 Special Commission on the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*. "Guide to Good Practice. Part I – Central Authority Practice", Hague Conference, 2003, p. 25.

for the future Convention.⁴ In addition to the management of cases, the system could provide instructions to banks with regard to electronic transfer of funds and could send and receive secured online applications under the Convention. The Forms Working Group of the Special Commission on Child Support and other Forms of Family Maintenance is developing forms in this respect and assistance is provided by UNCITRAL for the development of medium-neutral provisions to ensure that these applications can be transmitted electronically. The system could also generate the required statistics as part of the means of monitoring the operation of the Convention. Once the text of the Convention is adopted, the Permanent Bureau, in consultation with interested States, 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 build the system. The drawing-up of a blue print of the system would require additional resources for a period of at least one year.⁵

25. At the June 2006 Special Commission meeting, the Permanent Bureau will report on this possible electronic system for the new Convention. Its functions will include:

1. Case management.
2. Transmit / receive applications in different languages.
3. May have electronic funds transfer (EFT) capability.

⁴ Other Permanent Bureau initiatives, including this one, are described in Prel. Doc. No 3, to the attention of the Special Commission on General Affairs and Policy of the Conference, available on the Hague Conference website.

⁵ See Prel. Doc. No 5, Financial Year LII (1 July 2006–30 June 2007), Proposed Supplementary Budget and Explanatory Notes – March 2006, Item I.A.8.

PART III – COUNTRY PROFILE REPORT

COUNTRY PROFILE REPORT

INTRODUCTION

1. The Sub-committee on Country Profiles / Information Exchange includes representatives from Australia, Belgium, Canada, Germany, National Child Support Enforcement Association (NCSEA), United Kingdom, United States of America (USA), and the Permanent Bureau. The co-chairs of this sub-committee are Danièle Ménard, Senior Counsel and Coordinator, Support Enforcement Policy and Implementation Unit, Family Children and Youth Section of the Department of Justice Canada and Ann Barkley, Consultant and NCSEA representative (USA).
2. In 2004 this Sub-committee drafted a Country Profile that included relevant country-specific information so that other countries could 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. A first Draft of the Country Profile was presented at the Special Commission held in June 2004 and a second draft was presented at the Special Commission in April 2005.
3. Following the April 2005 meeting, the Sub-committee members decided that the Country Profile needed to be restructured and reformatted, combining various sections to make it understandable, easier to follow and closer to the draft Convention. The Sub-committee also decided that the Country Profile should be divided in stages keeping in mind that it should reflect the language of the draft convention, be more user-friendly and be adapted to countries that have very different systems. Stage 1 reflects the minimum information required upon ratification and Stage 2 is the information that may be necessary or useful for efficient operations under the Convention.
4. The Sub-committee members also agreed that it would be very useful if countries with limited resources would complete the Country Profile and assist the committee by providing their comments. Their participation would help the Sub-committee streamline the Country Profile and ensure that completion of the Country Profile does not become a barrier to ratification for some countries. Costa Rica and Barbados kindly agreed to complete the profile and give us their comments on how to improve it. Since then, representatives from both countries actively participated to our conference call and in-person meeting.
5. Four conference calls and an in-person meeting were held to discuss the content of the Country Profile. Several constructive comments and suggestions were made regarding the length and substance of the draft document. Substantive changes have been made to the Profile to address comments made by the Sub-committee in its report to the Special Commission in April 2005 that promoted the benefits of technology to ease the preparation, translation and dissemination of the Country Profiles by such methods as the use of drop down lists for check-offs in answer to appropriate questions.
6. In the past, all previous drafts of the Country Profile focused on child support obligation. Given the scope of the Convention, the Sub-committee decided in March 2006 to add specific questions in the profile to gather information on other family maintenance obligations. This section would be completed by countries where child and family maintenance obligations are applicable. For those countries where child maintenance only would apply, a response of *not applicable* could be made.
7. Although in the past years there have been numerous comments on the length of the Country Profile, the Sub-committee was not able to reduce the length of the document because there was consensus to the effect that the information requested in the Country Profile is very important and the questions should be kept in the document. The Sub-committee believes that a Country's time spent completing the Country Profile will be considerably reduced with the inclusion of check-off boxes where appropriate.

8. While dividing the Country Profile into two stages, a Convention compliance matrix was used to keep the Country Profile as close as possible to the text of the Convention. The process of drafting the Country Profile was somewhat difficult as the Convention (Prel. Doc. No 16) requires information but is not always clear about the timeframe to provide the information required. The questions that were raised during the drafting process were as follow:

- The Convention requires that a Central Authorities provide information to the Permanent Bureau but the timeframe to provide this kind of information is not always specified in the Convention itself. For example is the information required under Article 4(2) (3), 5, 27, 32 to be provided at the time the State becomes party to the Convention?
- Why are the timeframes different for the information required under Article 5 b) and the information required under Article 31 of the Convention?
- Should a distinction be made between the concept of enforcement laws and procedures (Article 31) and the concept used for information about the laws and procedures concerning maintenance obligation (Article 5)? These two concepts can easily be confused.
- Is the information under Article 27(3) required at the time of ratification? Is the information under Article 27 adequately picked up by Article 31 of the Convention?
- Should the Country Profile be mandatory or optional? Should it be mentioned or included as an Annex to the Convention?

9. In answer to these questions, the Country Profile Sub-committee recommends that information required under Article 4, 5, 27, 32 of the Convention be provided at the time the State becomes party to the convention. The Country Profile Sub-committee supports the Monitoring and Review of the Operation and Implementation of the Convention Sub-committee recommended language change to Article 4(1)(3), 5 b) (except for the wording "in fulfilling their obligations under 5 b)") c), 13(5), 32(5).

10. The Sub-committee agrees with the Monitoring and Review of the Operation and Implementation of the Convention Sub-committee that "the Country Profile focuses on information or services required by the Convention. Its completion ensures that a Requesting State will send the documents / information needed by the Requested State, thereby improving the day-to-day implementation of the Convention and actually decreasing communications with the Central Authority where someone only wants information regarding laws and procedures." Therefore the Country Profile Sub-committee recommends that a provision be added to the Convention stating that a State may use the Country Profile in order to fulfill their obligation under the convention. This provision should note that States may, in fulfilling their obligations to provide information under the Convention, utilize the Country Profile [Annex to Convention]. Such information shall be kept up-to-date by the Contracting States. The Country Profile as annexed may be amended from time to time by a Special Commission.

11. Taking all comments and suggestions into consideration, the sub-committee developed a third draft Country Profile that will be presented at the Fourth Special Commission meeting to be held in June 2006. Although considerable progress has been made, the content of the Country Profile may be affected by the decisions made at the June 2006 Convention regarding the recommendations for changes to Convention language by the Monitoring and Review of the Operation and Implementation of the Convention Sub-committee and the Forms Working Group. Also, outstanding issues still need to be addressed by the Country Profiles Sub-committee, such as including a Glossary of Terms in the Country Profile, addressing timeframes for the completion of both Stages of the Country Profile, having a central location for all Country Profile to be posted once completed, addressing compliance respecting these timeframes and describing how to

encourage states to update the information provided to ensure accuracy over time. Therefore, the Country Profile Sub-committee views the Country Profile as a work-in-progress that will need further refinement and discussion.

ANNEX B – STATE PROFILE

STATE PROFILE

STAGE 1

I – DESIGNATED CENTRAL AUTHORITIES (Article 4 of Preliminary Document No 16 – Oct. 2005)	
1. CENTRAL AUTHORITY TO WHICH COMMUNICATION MAY BE ADDRESSED	2. OTHER DESIGNATED CENTRAL AUTHORITY (IF APPLICABLE)
a. Name b. Address c. Territorial and Personal Extent of functions, if applicable d. Telephone e. Fax f. Electronic mail address g. Web site h. Contact person(s) i. Language	a. Name b. Address c. Territorial and Personal Extent of functions, if applicable d. Telephone e. Fax f. Electronic mail address g. Web site h. Contact person(s) i. Language
3. LANGUAGE REQUIREMENTS (Article 39 of Preliminary Document No 16 – Oct. 2005)	
a. Does your State require that any application and related documents be accompanied by a translation? If yes, in what language? (Article 39(1) of Preliminary Document No 16 – Oct. 2005)	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Into official language of our State <input type="checkbox"/> Into another language. Please identify.
b. Does your State have more than one official language?	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
c. If you have more than one official language in your State and cannot, for reasons of internal law, accept for the whole of your territory documents in one of those languages, please specify the language in which documents or translations shall be drawn up for submission in the specified parts of your territory. (Article 39(2) of Preliminary Document No 16 – Oct. 2005)	
4. FUNCTIONS OF A CENTRAL AUTHORITIES (Article 6(3) of Preliminary Document No 16 – Oct. 2005)	
a. Can the functions of the Central Authorities be performed by public bodies, or other bodies subject to the supervision of the competent authorities of your State? (Article 6(3) of Preliminary Document No 16 – Oct. 2005)	<input type="checkbox"/> No <input type="checkbox"/> Yes, please complete 4(b) below.

<p>b. Designation and contact details of any such public bodies, other bodies and the extent of their functions.</p> <p>(Article 6(3) of Preliminary Document No 16 – Oct. 2005)</p>	<p>Name</p> <p>Address</p> <p>Territorial and Personal Extent of functions</p> <p>Telephone</p> <p>Fax</p> <p>Electronic mail address</p> <p>Web site</p> <p>Contact person(s)</p>
<p>c. Do you have an agreement with another Contracting State for the purpose of improving the application of the Convention between yourself and that other Contracting State?</p> <p>(Article 43 of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> bi-lateral agreement (please provide a link or a copy to that agreement)</p> <p><input type="checkbox"/> other (please provide a link or a copy to that agreement)</p>
<p>5. SPECIFIC FUNCTIONS OF THE CENTRAL AUTHORITIES IN RELATION TO APPLICATIONS UNDER CHAPTER III (Article 6(2) of Preliminary Document No 16 – Oct. 2005)</p>	
<p>a. How do you provide or facilitate the provision for legal assistance in your State? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>a</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<p>- Please explain the process:</p> <p>- What information do you require:</p> <p>- What documents do you require:</p>
<p>b. How do you help locate a debtor or creditor resident in your State? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>b</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<p>- Please explain the process:</p> <p>- What information do you require:</p> <p>- What documents do you require:</p>
<p>c. How do you help obtain relevant information concerning the income and other financial circumstances of the debtor or creditor resident in your State, including the location of assets? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>c</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<p>- Please explain the process:</p> <p>- What information do you require:</p> <p>- What documents do you require:</p>

<p>d. How do you encourage amicable solutions with a view to obtaining voluntary payment of child maintenance, where suitable by use of mediation, conciliation, or similar processes? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>d</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> - Please explain the process: - Are there mandatory procedures? - What information do you require: - What documents do you require:
<p>e. How do you facilitate the ongoing enforcement of child maintenance decisions including any arrears? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>e</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> - Please explain the process: - What information do you require: - What documents do you require:
<p>f. How do you facilitate the [collection and] expeditious transfer of child maintenance payments? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>f</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> - Please explain the process: - What information do you require: - What documents do you require:
<p>g. How do you facilitate the obtaining of documentary or other evidence? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>g</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> - Please explain the process: - What information do you require: - What documents do you require:
<p>h. How do you provide assistance in establishing parentage where necessary for the recovery of maintenance? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>h</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> - Please explain the process: - What information do you require: - What documents do you require:
<p>[i. How do you 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 child maintenance application], <i>e.g.</i>, freezing or attaching an asset? Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>i</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> - Please explain the process: - What information do you require: - What documents do you require:

<p>[j. How do you facilitate service of documents?] Please explain the process and specify what information or documents you require.</p> <p>(Article 6(2) <i>j</i>) of Preliminary Document No 16 – Oct. 2005)</p>	<p>- Please explain the process:</p> <p>- What information do you require:</p> <p>- What documents do you require:</p>
<p>II – INFORMATION CONCERNING APPLICATIONS UNDER THE CONVENTION (Article 10 of Preliminary Document No 16 – Oct. 2005)</p>	
<p>1. APPLICATIONS FOR RECOGNITION OR RECOGNITION AND ENFORCEMENT OF A DECISION MADE IN A CONTRACTING STATE (Article 10(1) <i>a</i>) of Preliminary Document No 16 – Oct. 2005)</p>	
<p>a. What legislation in your States applies to the recognition and recognition and enforcement of a decision made in a contracting State? Provide a Web site link if possible.</p> <p>(Article 19(1) of Preliminary Document No 16 – Oct. 2005)</p>	
<p>b. Has your State made a reservation to a basis for recognition and enforcement under Article 16 of the Convention? Please check all that apply.</p> <p>(Article 16 of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> No;</p> <p><input type="checkbox"/> Yes;</p> <p><input type="checkbox"/> The creditor was [habitually] resident in the State of origin at the time proceedings were instituted;</p> <p><input type="checkbox"/> There has been agreement to the jurisdiction by the parties in writing or evidenced by writing;</p> <p><input type="checkbox"/> The decision was made by an authority exercising jurisdiction on a matter of personal status, unless that jurisdiction was based solely on the nationality of one of the parties.</p>
<p>c. The following is information required by Article 11 and 20 to be included in an application for recognition or recognition and enforcement of a maintenance decision made in another Contracting State.</p> <p>(Articles 11 and 20 of Preliminary Document No 16 – Oct. 2005)</p>	<p><u>About the creditor:</u></p> <p><input checked="" type="checkbox"/> Full name(required);</p> <p><input checked="" type="checkbox"/> Date of Birth (required);</p> <p><input checked="" type="checkbox"/> Address (required);</p> <p><input checked="" type="checkbox"/> [Contact details (required)]</p> <p><u>About the debtor:</u></p> <p><input checked="" type="checkbox"/> Full name (required);</p> <p><input checked="" type="checkbox"/> Date of Birth (required);</p> <p><input checked="" type="checkbox"/> Address (required);</p> <p><u>About the person for whom child maintenance is sought:</u></p> <p><input checked="" type="checkbox"/> Full name (required);</p> <p><input checked="" type="checkbox"/> Date of Birth (required).</p>

	<p><u>Other information:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Nature of the application (required); <input checked="" type="checkbox"/> The grounds upon which the application is based (required); <input checked="" type="checkbox"/> [If the applicant is the creditor, information concerning where the maintenance payment should be sent or electronically transmitted (required)].
<p>d. According to Articles 11(3) and 20, the following documents are the only documents that a State can require for recognition or recognition and enforcement of a maintenance decision made in another Contracting State. Please check all that apply.</p> <p>(Articles 11(3) and 20 of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> An original of the maintenance decision or a true copy certified by the competent authority in the State of origin (required); <input checked="" type="checkbox"/> An abstract of the decision certified by the competent authority in the State of origin (required in alternative); <input type="checkbox"/> A certificate from the competent authority in the State of origin that the decision is enforceable [and, in the case of a decision by an administrative authority, that the requirements of Article 15(3) of the convention are met]; <input checked="" type="checkbox"/> If the respondent did not appear in the proceedings in the State of origin, a document establishing that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the decision and the opportunity to challenge it (required); <input type="checkbox"/> [A certified or sworn statement showing the amount of any arrears and the date such amount was calculated]; <input type="checkbox"/> [In the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations;] <input type="checkbox"/> Documentation concerning the entitlement of the applicant to legal assistance in the State of origin.
<p>e. Can you accept an application to recognize and enforce a decision for a prior period only?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> No <input type="checkbox"/> Yes, - Please explain
<p>f. Do you have a preferred form for an application to recognize and enforce a decision? If yes, please attach a copy, a website or both.</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Yes – the standard form recommended and published by the Hague Conference <input type="checkbox"/> Yes – the form is attached or available through a linked website (please provide) or both <input type="checkbox"/> No

<p>g. Please provide a short overview of the process (es) that occurs when your State receives an application to recognize or to recognize and enforce a child maintenance decision made in a Contracting State. Please indicate which authority receives the application, where the application is sent for processing, the steps that occur, and what happens if recognition is contested. The purpose of this question is to provide the caseworker in the requesting State a general understanding of the steps that will take place in working the case. Please include time frames.</p>	
<p>h. Are there any differences to the information above when the application is made by a public body, which claims reimbursement of benefits provided in place of maintenance? If yes, please explain.</p> <p>(Article 2(2) of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, please specify</p>
<p>i. Are there any differences compared to the above if the application is for a maintenance obligation other than child maintenance? If yes, please explain.</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, please specify</p>
<p>2. APPLICATIONS FOR ENFORCEMENT OF A DECISION MADE [OR RECOGNISED] IN YOUR STATE (Article 10(1) <i>b</i>) of Preliminary Document No 16 – Oct. 2005)</p>	
<p>a. What is the legislation in your State that applies to enforcement of a child maintenance decision made [or recognized] in your State? Include any debtor protection rules. Provide a Web site link if possible.</p> <p>(Article 31 of Preliminary Document No 16 – Oct. 2005)</p>	
<p>b. In addition to application contents required by Article 11, what information do you require be included in an application for enforcement of a child maintenance decision made [or recognised] in your State?</p> <p>(Article 11 of Preliminary Document No 16 – Oct. 2005)</p>	<p><u>About the creditor:</u></p> <p><input checked="" type="checkbox"/> Full name (required);</p> <p><input checked="" type="checkbox"/> Date of Birth (required);</p> <p><input checked="" type="checkbox"/> Address (required);</p> <p><input type="checkbox"/> Telephone number;</p> <p><input type="checkbox"/> Financial circumstances, if known;</p> <p><input type="checkbox"/> Assets and liabilities, if known;</p> <p><input type="checkbox"/> Photograph;</p> <p><input type="checkbox"/> Personal Identification number (such as the Social security number);</p> <p><input type="checkbox"/> Other, please specify.</p>

	<p><u>About the debtor:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of Birth (required); <input checked="" type="checkbox"/> Address (required); <input type="checkbox"/> Telephone number; <input type="checkbox"/> Financial circumstances, if known; <input type="checkbox"/> Name and address of employer, if known; <input type="checkbox"/> Nature and location of assets, if known; <input type="checkbox"/> Any other information that may assist in location of debtor; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify. <p><u>About the person for whom child maintenance is sought:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of Birth (required); <input type="checkbox"/> Care arrang Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify. <p><u>Other information:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Nature of the application (required); <input checked="" type="checkbox"/> The grounds upon which the application is based (required); <input checked="" type="checkbox"/> [If the applicant is the creditor, information concerning where the child maintenance payment should be sent or electronically transmitted (required)]; <p>Other, please specify.</p>
<p>c. What <u>documents</u> do you require to accept an application to enforce a child maintenance decision made in your State? Please specify if any documents must be original and if certification is required for copies.</p> <p>(Article 20 of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> An original of the maintenance decision or a true copy certified by the competent authority in the State of origin; <input type="checkbox"/> An abstract of the decision certified by the competent authority in the State of origin <input type="checkbox"/> [A certified or sworn statement showing the amount of any arrears and the date such amount was calculated]; <input type="checkbox"/> [In the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations;]

	<input type="checkbox"/> Documentation concerning the entitlement of the applicant to legal assistance in the State of origin; <input type="checkbox"/> Other, please specify.
d. Can you accept an application to enforce a decision for a prior period only?	<input type="checkbox"/> No <input type="checkbox"/> Yes, please explain
e. Do you have a preferred form for an application to enforce a child maintenance decision made (or recognised) in your State? If yes, please attach a copy.	<input type="checkbox"/> No <input type="checkbox"/> Yes – the standard form recommended and published by the Hague Conference; <input type="checkbox"/> Yes – the form is attached or available through a linked website (please provide) or both.
f. Please provide a short overview of the process (es) that occurs when your State receives an application to enforce a child maintenance decision made (or recognised) in your State. Please indicate which authority receives the application, where the application is sent for processing and the steps that occur, and what happens if enforcement is contested. The purpose of this question is to provide the caseworker in the requesting State a general understanding of the steps that will take place in working the case. Please include time frames.	
g. Are there any differences to the information above when the application is made by a public body, which claims reimbursement of benefits provided in place of maintenance? If so, please explain. (Article 2(2) of Preliminary Document No 16 – Oct. 2005)	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
h. Are there any differences compared to the above if the application is for a maintenance obligation other than child maintenance? If so, please explain.	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
3. APPLICATIONS TO ESTABLISH A DECISION IN YOUR STATE (Article 10(1) c) of Preliminary Document No 16 – Oct. 2005)	
a. What is the legislation in your State that applies to establishment of a child maintenance decision in your State? Provide a Web site link if possible.	

<p>b. What are the jurisdictional bases for establishing a child maintenance obligation in your State?</p> <p>(Article 16 of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The debtor was [habitually] resident here at the time proceedings were instituted; <input type="checkbox"/> The debtor has submitted to the jurisdiction either expressly or by defending on the merits of the case without objecting to the jurisdiction at the first available opportunity; <input type="checkbox"/> The creditor was [habitually] resident here at the time proceedings were instituted; <input type="checkbox"/> The child for whom maintenance is sought was [habitually] resident here at the time proceedings were instituted, provided that the debtor has lived with the child here or has resided here and provided maintenance for the child here; <input type="checkbox"/> There has been agreement to the jurisdiction by the parties in writing or evidenced by writing; <input type="checkbox"/> The authority has jurisdiction on a matter of personal status that is not based solely on the nationality of one of the parents. <input type="checkbox"/> Other, please specify:
<p>c. In addition to application contents required by Article 11, what information do you require be included in an application to establish a child maintenance decision in your State?</p> <p>(Article 11 of Preliminary Document No 16 – Oct. 2005)</p>	<p><u>About the creditor:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of Birth (required); <input checked="" type="checkbox"/> Address (required); <input type="checkbox"/> Telephone number; <input type="checkbox"/> Financial circumstances, if known; <input type="checkbox"/> Assets and liabilities, if known; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify. <p><u>About the debtor:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of Birth (required); <input checked="" type="checkbox"/> Address (required); <input type="checkbox"/> Telephone number; <input type="checkbox"/> Financial circumstances, if known; <input type="checkbox"/> Name and address of employer, if known;

	<ul style="list-style-type: none"> <input type="checkbox"/> Nature and location of assets, if known; <input type="checkbox"/> Any other information that may assist in location of debtor; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify. <p><u>About the person for whom child maintenance is sought:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of Birth (required); <input type="checkbox"/> Identification of parents; <input type="checkbox"/> Care arrangements; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify. <p><u>Other information:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Nature of the application (required); <input checked="" type="checkbox"/> The grounds upon which the application is based (required) <input checked="" type="checkbox"/> [If the applicant is the creditor, information concerning where the child maintenance payment should be sent or electronically transmitted (required)]; <input type="checkbox"/> Case history, please specify (i.e. if there is an agreement between the parties or not); <input type="checkbox"/> Family history, please specify (i.e. if the parties were married, how many children); <p>Other, please specify.</p>
<p>d. What <u>documents</u> do you require to accompany an application to establish a child maintenance decision? Please specify if any documents must be original and if certification is required for copies.</p> <p>(Article 11 (3) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Evidence of birth (Birth certificate); <input type="checkbox"/> Evidence of a duty of support <ul style="list-style-type: none"> <input type="checkbox"/> Yes, please see question II.3.e. <input type="checkbox"/> Evidence or itemization of Special or Extraordinary Expense claim; <input type="checkbox"/> Financial Statement <ul style="list-style-type: none"> <input type="checkbox"/> Creditor; <input type="checkbox"/> Child; <input type="checkbox"/> Child status <ul style="list-style-type: none"> <input type="checkbox"/> Evidence of Attendance at secondary or post-secondary educational institution; <input type="checkbox"/> Evidence of disability; <input type="checkbox"/> Other, please specify.

	<input type="checkbox"/> Any existing child maintenance orders or written agreements between the parties, or relating to any child for whom maintenance is claimed; <input type="checkbox"/> Other, please specify.
<p>e. Is there any time limit for seeking a decision establishing a child maintenance obligation? If yes, please indicate the time limit that applies.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes <ul style="list-style-type: none"> <input type="checkbox"/> Two years after the parents separate <input type="checkbox"/> Age of emancipation of the child <input type="checkbox"/> Other, please specify
<p>f. Is it necessary to establish that a duty of support exists when an application is made to establish a child maintenance decision?</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<p>g. If yes, what are the bases for establishing a duty of support? Indicate the information and / or documents that are required from a requesting State.</p>	<input type="checkbox"/> The parties were married to each other when the child was born <ul style="list-style-type: none"> <input type="checkbox"/> Marriage certificate <input type="checkbox"/> Other, please specify. <input type="checkbox"/> The parties were in a civil union when the child was born <ul style="list-style-type: none"> <input type="checkbox"/> Civil union certificate <input type="checkbox"/> Other, please specify. <input type="checkbox"/> The parties were living together when the child was born <ul style="list-style-type: none"> <input type="checkbox"/> Affidavit <input type="checkbox"/> Other, please specify. <input type="checkbox"/> The parties were married when the child was conceived <ul style="list-style-type: none"> <input type="checkbox"/> Marriage certificate <input type="checkbox"/> Other, please specify <input type="checkbox"/> The parties were in a registered civil union when the child was conceived <ul style="list-style-type: none"> <input type="checkbox"/> Civil union certificate <input type="checkbox"/> Other, please specify. <input type="checkbox"/> The parties were living together when the child was conceived <ul style="list-style-type: none"> <input type="checkbox"/> Affidavit <input type="checkbox"/> Other, please specify <input type="checkbox"/> The party is listed as a parent in a register of birth <ul style="list-style-type: none"> <input type="checkbox"/> Copy of birth certificate <input type="checkbox"/> Copy of entry in birth registry <input type="checkbox"/> Other, please specify. <input type="checkbox"/> The party has acknowledged parentage in writing <ul style="list-style-type: none"> <input type="checkbox"/> Copy of the writing <input type="checkbox"/> Other, please specify

	<input type="checkbox"/> The party has legally adopted the child <ul style="list-style-type: none"> <input type="checkbox"/> Copy of adoption certificate <input type="checkbox"/> Other, please specify <input type="checkbox"/> A genetic test shows a high probability that the respondent is a parent of the child <ul style="list-style-type: none"> <input type="checkbox"/> Copy of genetic test results <input type="checkbox"/> Other, please specify. <input type="checkbox"/> For the first two years of the child's life, the party resided in the same household with the child and openly held the child out as the party's own. <ul style="list-style-type: none"> <input type="checkbox"/> Affidavit <input type="checkbox"/> Other, please specify. <input type="checkbox"/> A competent authority has established parentage <ul style="list-style-type: none"> <input type="checkbox"/> Copy of the decision <input type="checkbox"/> Other, please specify <input type="checkbox"/> Other, please specify
<p>h. Is there any time limit for establishing parentage or a duty of support? If yes, please indicate the time limit that applies.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes <ul style="list-style-type: none"> <input type="checkbox"/> Age of emancipation of the child <input type="checkbox"/> Child is aged 2 <input type="checkbox"/> Child is aged 5 <input type="checkbox"/> Other, please specify
<p>i. What costs arise in your State for the creditor when obtaining a maintenance decision? Please include all costs arising in practice (e.g. court costs, fees for an administrative authority, costs for experts, legal costs).</p>	
<p>j. Can the creditor claim reimbursement of expenses incurred from the debtor (e.g. for a lawyer)?</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, please explain
<p>k. Do you have a preferred form for an application to establish a decision? If yes, please attach a copy, a website or both.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, the standard form recommended and published by the Hague Conference; <input type="checkbox"/> Yes, the form is attached or available through a linked website (please provide) or both.

<p>l. Please provide a short overview of the process (es) that occurs when an application to establish a decision is received in your State. Please indicate which authority receives the application, where the application is sent for processing, and the steps that occur. The purpose of this question is to provide the caseworker in the requesting State a general understanding of the steps that will take place in working the case. Please include time frames.</p>	
<p>m. Are there any differences to the information above when the application is made by a public body, which claims reimbursement of benefits provided in place of maintenance? If so, please explain. (Article 2 (2) of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, please specify</p>
<p>n. Are there any differences compared to the above if the application is for a maintenance obligation other than child maintenance? If so, please explain.</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, please specify</p>
<p>4. APPLICATIONS TO MODIFY A CHILD MAINTENANCE DECISION MADE IN YOUR STATE (Article 10(1)e) of Preliminary Document No 16 – Oct. 2005)</p>	
<p>a. What is the legislation in your State that applies to modification of a child maintenance decision made in your State? Provide a Web site link if possible.</p>	
<p>b. In addition to application contents required by Article 11, what <u>information</u> do you <u>require</u> be included in an application to modify a child maintenance decision made in your State? (Article 11 of Preliminary Document No 16 – Oct. 2005)</p>	<p><u>About the creditor:</u></p> <p><input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of birth (required); <input checked="" type="checkbox"/> Address (required); <input type="checkbox"/> Telephone number; <input type="checkbox"/> Financial circumstances, if known; <input type="checkbox"/> Assets and liabilities, if known; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify.</p>

	<p><u>About the debtor:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of birth (required); <input checked="" type="checkbox"/> Address (required); <input type="checkbox"/> Telephone number; <input type="checkbox"/> Financial circumstances, if known; <input type="checkbox"/> Name and address of employer, if known; <input type="checkbox"/> Nature and location of assets, if known; <input type="checkbox"/> Any other information that may assist with location of debtor; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <p>Other, please specify.</p> <p><u>About the person for whom child maintenance is sought:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of birth (required); <input type="checkbox"/> Care arrangements; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify. <p><u>Other information:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Nature of the application (required); <input checked="" type="checkbox"/> The grounds upon which the application is based (required); <input checked="" type="checkbox"/> [If the applicant is the creditor, information concerning where the child maintenance payment should be sent or electronically transmitted (required)]; <p>Other, please specify.</p>
<p>c. What <u>documents</u> do you <u>require</u> to accompany an application to modify a child maintenance decision made in your State? Please specify if any documents must be original and if certification is required for copies.</p> <p>(Article 11 (3) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Special Expense claim; <input type="checkbox"/> Pay stubs or wage Statements establishing a change in income; <input type="checkbox"/> Written agreement between the parties related to modification of the child maintenance; <input type="checkbox"/> Other, please specify.
<p>d. In what circumstances can an application be made for modification of a child maintenance decision made in your State?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> The circumstances of the child have changed so as to justify the modification; <input type="checkbox"/> The circumstances of the debtor have changed so as to justify the modification;

	<input type="checkbox"/> The circumstances of the creditor have changed so as to justify the modification; <input type="checkbox"/> The care arrangements for the child have changed so as to justify the modification; <input type="checkbox"/> The cost of living has changed to such an extent as to justify the modification; <input type="checkbox"/> If the order was made by consent, the amount ordered to be paid is not proper or adequate; <input type="checkbox"/> Other, please specify.
<p>e. Can the modification be made retrospectively? If so, please specify the basis and any limitations.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, <ul style="list-style-type: none"> - Please specify the basis - Please specify any limitations
<p>f. Can a child maintenance decision made in your State be modified in your State after an application has been made to another State for recognition and enforcement?</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, <ul style="list-style-type: none"> - Please explain the process
<p>g. If a child maintenance decision made in your State is modified by another State, on a jurisdictional basis that is not recognized by your State, do you recognize the modification? Please explain.</p>	<input type="checkbox"/> No <ul style="list-style-type: none"> - Please explain whether you continue to enforce your child maintenance decision <input type="checkbox"/> Yes
<p>h. Do you have a preferred form for an application to modify a child maintenance decision made in your State? If yes, please attach a copy or link to a website or both.</p>	<input type="checkbox"/> Yes – the standard form recommended and published by the Hague Conference; <input type="checkbox"/> Yes – the form is attached or available through a linked website (please provide) or both; <input type="checkbox"/> No.
<p>i. Please provide a short overview of the process (es) that occurs when you receive an application to modify a child maintenance decision made in your State. Please indicate which authority receives the application, where the application is sent for processing, and the steps that occur. The purpose of this question is to provide the caseworker in the requesting State a general understanding of the steps that will take place in working the case. Please include time frames.</p>	

<p>j. Are there any differences to the information above when the application is made by a public body, which claims reimbursement of benefits provided in place of maintenance? If so, please explain.</p> <p>(Article 2(2) of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, please specify</p>
<p>k. Are there any differences compared to the above if the application is for a maintenance obligation other than child maintenance? If so, please explain.</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, please specify</p>
<p>5. APPLICATIONS TO MODIFY A CHILD MAINTENANCE DECISION MADE IN A STATE OTHER THAN YOUR STATE (Article 10(1) f) of Preliminary Document No 16 – Oct. 2005)</p>	
<p>a. What is the legislation in your State that applies to modification of a child maintenance decision made in a State other than your State? Provide a Web site link if possible.</p>	
<p>b. In addition to application contents required by Article 11, what <u>information</u> do you <u>require</u> be included in an application to modify a child maintenance decision made in a State other than your State?</p> <p>(Article 11 of Preliminary Document No 16 – Oct. 2005)</p>	<p><u>About the creditor:</u></p> <p><input checked="" type="checkbox"/> Full name (required);</p> <p><input checked="" type="checkbox"/> Date of birth (required);</p> <p><input checked="" type="checkbox"/> Address (required);</p> <p><input type="checkbox"/> Telephone number;</p> <p><input type="checkbox"/> Financial circumstances, if known;</p> <p><input type="checkbox"/> Assets and liabilities, if known;</p> <p><input type="checkbox"/> Photograph;</p> <p><input type="checkbox"/> Personal Identification number (such as the Social security number);</p> <p><input type="checkbox"/> Other, please specify</p> <p><u>About the debtor:</u></p> <p><input checked="" type="checkbox"/> Full name (required);</p> <p><input checked="" type="checkbox"/> Date of birth (required);</p> <p><input checked="" type="checkbox"/> Address (required);</p> <p><input type="checkbox"/> Telephone number;</p> <p><input type="checkbox"/> Financial circumstances, if known;</p> <p><input type="checkbox"/> Name and address of employer, if known;</p> <p><input type="checkbox"/> Nature and location of assets, if known;</p> <p><input type="checkbox"/> Any other information that may assist with location of debtor;</p>

	<ul style="list-style-type: none"> <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify <p><u>About the person for whom child maintenance is sought:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Full name (required); <input checked="" type="checkbox"/> Date of birth (required); <input type="checkbox"/> Care arrangements; <input type="checkbox"/> Photograph; <input type="checkbox"/> Personal Identification number (such as the Social security number); <input type="checkbox"/> Other, please specify <p><u>Other information:</u></p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Nature of the application (required); <input checked="" type="checkbox"/> The grounds upon which the application is based (required); <input checked="" type="checkbox"/> [If the applicant is the creditor, information concerning where the child maintenance payment should be sent or electronically transmitted (required)]; <p>Other, please specify</p>
<p>c. What <u>documents</u> do you <u>require</u> to accompany an application to modify a child maintenance decision made in a State other than your State? Please specify if any documents must be original and if certification is required for copies.</p> <p>(Article 11 (3) of Preliminary Document No 16 – Oct. 2005)</p>	<ul style="list-style-type: none"> <input type="checkbox"/> An original of the maintenance decision or a true copy certified by the competent authority in the State of origin; <input type="checkbox"/> An abstract of the decision certified by the competent authority in the State of origin; <input type="checkbox"/> Special Expense claim; <input type="checkbox"/> Pay stubs or wage statements establishing a change in income <input type="checkbox"/> Written agreement between the parties related to modification of the child maintenance; <input type="checkbox"/> Other, please specify.
<p>d. Are the circumstances in which a child maintenance decision made by another State can be modified in your State the same as the circumstances in which a decision made by your own State can be modified?</p>	<ul style="list-style-type: none"> <input type="checkbox"/> Yes. See reply to 4. above. <input type="checkbox"/> No. Please explain the difference.

<p>e. Do you have a preferred form for an application to modify a child maintenance decision made in a State other than your State? If yes, please attach a copy or link to a website or both.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes – the standard form recommended and published by the Hague Conference; <input type="checkbox"/> Yes – the form is attached or available through a linked website (please provide) or both.
<p>f. Can the modification be made retrospectively? If so, please specify the basis and any limitations.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, <ul style="list-style-type: none"> - Specify the basis - Please specify any limitations
<p>g. If the State of origin modifies a child maintenance decision after you have recognised it, can you recognise the modification? If so, please specify any limitations and outline the key steps or requirements.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, <ul style="list-style-type: none"> - Key steps or requirements - Please specify any limitations
<p>h. Please provide a short overview of the process (es) that occurs when your State receives an application to modify a child maintenance decision made in a State other than your State. Please indicate which authority receives the application, where the application is sent for processing, and the steps that occur. The purpose of this question is to provide the caseworker in the requesting State a general understanding of the steps that will take place in working the case. Please include time frames.</p>	
<p>i. Are there any differences to the information above when the application is made by a public body, which claims reimbursement of benefits provided in place of maintenance? If so, please explain. (Article 2(2) of Preliminary Document No 16 – Oct. 2005)</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
<p>j. Are there any differences compared to the above if the application is for a maintenance obligation other than child maintenance? If so, please explain.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
<p>6. APPLICATION FOR RECOVERY OF ARREARS (Article 10 <i>g</i>) of Preliminary Document No16 –Oct. 2005)</p>	
<p>a. What is the legislation in your State that applies to recovery of arrears? Provide a Web site link if possible.</p>	

b. In addition to application contents required by Article 11, what information do you require be included in an application for recovery of arrears?

(Article 11 of Preliminary Document No 16 –Oct. 2005)

About the creditor:

- Full name (required);
- Date of birth (required);
- Address (required);
- Telephone number;
- Photograph;
- Personal Identification number (such as the Social security number);
- Other, please specify

About the debtor:

- Full name (required);
- Date of birth (required);
- Address (required);
- Telephone number;
- Financial circumstances, if known;
- Name and address of employer, if known;
- Nature and location of assets, if known;
- Any other information that may assist in location of debtor;
- Photograph;
- Personal Identification number (such as the Social security number);
- Other, please specify.

About the person for whom child maintenance is sought:

- Full name (required);
- Date of birth (required);
- Care arrangements;
- Photograph;
- Personal Identification number (such as the Social security number);
- Other, please specify

Other information:

- Nature of the application (required);
- The grounds upon which the application is based (required);
- [If the applicant is the creditor, information concerning where the child maintenance payment should be sent or electronically transmitted (required)];
- Other, please specify.

<p>c. What documents do you require to accept an application for recovery of arrears? Please specify if any documents must be original and if certification is required for copies.</p> <p>(Article 11(3) of Preliminary Document No 16 – Oct. 2005)</p>	<p><input checked="" type="checkbox"/> An original of the maintenance decision or a true copy certified by the competent authority in the State of origin (required);</p> <p><input checked="" type="checkbox"/> An abstract of the decision certified by the competent authority in the State of origin (required in alternative)</p> <p><input type="checkbox"/> A certified or sworn statement showing the amount of any arrears and the date such amount was calculated;</p> <p><input type="checkbox"/> In the case of a decision providing for automatic adjustment by indexation, a document providing the information necessary to make the appropriate calculations;</p> <p><input type="checkbox"/> Other, please specify.</p>
<p>d. Do you have a preferred form for an application for recovery of arrears? If yes, please attach a copy or link to a website or both.</p>	<p><input type="checkbox"/> Yes – the standard form recommended and published by the Hague Conference;</p> <p><input type="checkbox"/> Yes – the form is attached or available through a linked website (please provide) or both;</p> <p><input type="checkbox"/> No.</p>
<p>e. Please provide a short overview of the process (es) that occurs when your State receives an application for the recovery of arrears. Please indicate which authority receives the application, where the application is sent for processing, and the steps that occur. The purpose of this question is to provide the caseworker in the requesting State a general understanding of the steps that will take place in working the case. Please include time frames.</p>	
<p>f. Are there any differences to the information above when the application is made by a public body, which claims reimbursement of benefits provided in place of maintenance? If so, please explain.</p> <p>(Article 2(2) of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, please specify</p>
<p>g. Are there any differences compared to the above if the application is for a maintenance obligation other than child maintenance? If so, please explain.</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes, please specify</p>

III - INFORMATION AS TO THE LAWS AND PROCEDURES CONCERNING CHILD MAINTENANCE OBLIGATIONS IN YOUR STATE (Article 5(2) of Preliminary Document No 16 – Oct. 2005)	
1. MAINTENANCE OBLIGATIONS IN RESPECT OF A CHILD	
a. What legislation applies to child maintenance obligations in your State? Provide a Web site link if possible.	
b. Who is eligible to benefit from child maintenance?	<input type="checkbox"/> Child born in wedlock; <input type="checkbox"/> Child born out of wedlock; <input type="checkbox"/> Acknowledged by the father; <input type="checkbox"/> Not yet acknowledged by the father. <input type="checkbox"/> Adopted child <input type="checkbox"/> Any child for whom a person stands in place of a parent (In loco parents); <input type="checkbox"/> Other, please specify
c. Who is the creditor in a child maintenance matter?	<input type="checkbox"/> Child; <input type="checkbox"/> Custodial parent or other person responsible for the child; <input type="checkbox"/> Public bodies; <input type="checkbox"/> Other, please specify.
d. What can be included in a child maintenance decision? Please specify.	<input type="checkbox"/> Periodic payments for child maintenance; <input type="checkbox"/> Lump sum payments; <input type="checkbox"/> Child care expenses; <input type="checkbox"/> Extra-curricular activities; <input type="checkbox"/> Dental or medical expenses; <input type="checkbox"/> Attorney's fees; <input type="checkbox"/> Extraordinary expenses, please specify; <input type="checkbox"/> Other court costs, please specify; <input type="checkbox"/> Other, please specify.
e. Can child maintenance be subject to automatic adjustment? If so, by what mechanism and with what frequency?	<input type="checkbox"/> No <input type="checkbox"/> Yes, – List the mechanism: <input type="checkbox"/> By indexation; <input type="checkbox"/> By recalculation; – How frequently

<p>f. Can a child maintenance decision be made retrospectively? If so, what is the earliest date from which a decision can apply? Please explain any limitations.</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes,</p> <p style="padding-left: 20px;">Date that proceedings are initiated;</p> <p style="padding-left: 20px;">Date of separation;</p> <p style="padding-left: 20px;">Date of the voluntarily suspension of payments;</p> <p style="padding-left: 20px;">Other, please specify</p> <p style="padding-left: 20px;">Any limitations, please explain</p>
<p>g. What is the normal duration of a child maintenance obligation (age of Majority)?</p> <p>(Article 27(2) of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> 18 years of age</p> <p><input type="checkbox"/> 19 years of age</p> <p><input type="checkbox"/> 21 years of age</p> <p><input type="checkbox"/> Other, please specify</p>
<p>h. Can child maintenance end prior to the age of majority? If yes, in what circumstances?</p> <p>(Article 27(2) of Preliminary Document No 16 – Oct. 2005)</p>	<p><input type="checkbox"/> No</p> <p><input type="checkbox"/> Yes,</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child emancipates before the age of majority;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child marries;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child enters into a de facto relationship;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child no longer lives with the creditor;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child is adopted by someone else;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child dies;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The debtor dies;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The creditor dies;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child is of a certain age and has withdrawn from parental control, please specify what age;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The child becomes a ward of the State;</p> <p style="padding-left: 20px;"><input type="checkbox"/> The maintenance decision states that child maintenance ceases prior to the child reaching majority;</p> <p><input type="checkbox"/> Other, please specify</p>

<p>i. Can child maintenance extend beyond the age of majority? If yes, in what circumstances?</p> <p>(Article 27(2) of Preliminary Document No 16 – Oct. 2005)</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, <input type="checkbox"/> To enable the child to complete secondary education; <input type="checkbox"/> To enable a child to complete post secondary education <input type="checkbox"/> If a child is the age of majority or over and under the parent’s charge but unable, by reason of illness, disability or other cause, to withdraw from their charge or to obtain the necessaries of life; <input type="checkbox"/> Other, please specify
<p>j. Is it necessary in your State that another procedure (e.g. Divorce proceedings) be initiated or concluded before a child maintenance decision can be made?</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, please explain
<p>2. MAINTENANCE OBLIGATIONS IN RESPECT OF OTHER FAMILY RELATIONSHIPS, PARENTAGE, MARRIAGE OR AFFINITY</p>	
<p>a. From what other relationships can a maintenance obligation arise in your State?</p>	<input type="checkbox"/> Marriage <input type="checkbox"/> Cohabitation <input type="checkbox"/> Same sex relationship <input type="checkbox"/> Siblings <input type="checkbox"/> Dependent parent <input type="checkbox"/> Dependent grandparent <input type="checkbox"/> Other, please specify
<p>b. [For each different relationship specified at a.] What legislation applies to a maintenance obligation in your State? Provide a Web site link if possible.</p>	
<p>c. [For each different relationship specified at a.] What can be included in a maintenance decision?</p>	<input type="checkbox"/> Periodic payments for maintenance; <input type="checkbox"/> Lump sum payments; <input type="checkbox"/> Attorney’s fees; <input type="checkbox"/> Extraordinary expenses, please specify; <input type="checkbox"/> Other court costs, please specify; <input type="checkbox"/> Other, please specify
<p>d. [For each different relationship specified at a.] Can maintenance be subject to automatic adjustment? If so, by what mechanism and with what frequency?</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, - List the mechanism: <input type="checkbox"/> By indexation; <input type="checkbox"/> By recalculation - How frequently

<p>e. [For each different relationship specified at a.] Can a maintenance decision be made retrospectively? If so, what is the earliest date from which a decision can apply? Please explain any limitations.</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, <input type="checkbox"/> Date that proceedings are initiated; <input type="checkbox"/> Date of separation of the parties; <input type="checkbox"/> Date of the voluntarily suspension of payments; <input type="checkbox"/> Other, please specify <input type="checkbox"/> Any limitations, please explain
<p>f. [For each different relationship specified at a.] <u>Is it necessary in your State that another procedure (e.g., divorce proceedings) be initiated or concluded before a maintenance decision can be made?</u></p>	
<p>3. INFORMATION REGARDING SYSTEMS FOR PROVIDING BENEFITS IN PLACE OF MAINTENANCE (Article 2(2), 32 of Preliminary Document No 16 – Oct. 2005)</p>	
<p>a. Does your State have any public bodies that pay <u>maintenance</u> to the person entitled to maintenance in lieu of the debtor?</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes
<p>b. If yes, please give a brief outline of the system.</p>	
<p>IV – INFORMATION CONCERNING ENFORCEMENT RULES AND PROCEDURES IN YOUR STATE (Article 31 of Preliminary Document No 16 – Oct. 2005)</p>	
<p>1. GENERAL INFORMATION ABOUT ENFORCEMENT IN YOUR STATE</p>	
<p>a. Is there a statute of limitations for enforcement of child maintenance? If so, please explain. (Article 27(3) of Preliminary Document No 16 – Oct. 2005)</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes, please explain
<p>2. OVERVIEW OF ENFORCEMENT PROCEDURES IN YOUR STATE</p>	
<p>a. Please provide a short overview of the process (es) that occurs when you enforce a decision in your State. Please include timeframes.</p>	
<p>3. MEASURES AVAILABLE FOR ENFORCEMENT OF CHILD MAINTENANCE DECISIONS (Article 29 of Preliminary Document No 16 – Oct. 2005)</p>	
<p>a. What methods are available in your State for the enforcement of child maintenance decisions? (Article 29 of Preliminary Document No 16 – Oct. 2005)</p>	<input type="checkbox"/> Wage withholding; <input type="checkbox"/> Garnishment from bank accounts and other sources; <input type="checkbox"/> Deductions from social security payments; <input type="checkbox"/> Lien on or forced sale of property; <input type="checkbox"/> Tax refund withholding; <input type="checkbox"/> Withholding or attachment of pension benefits;

	<input type="checkbox"/> Credit bureau reporting; <input type="checkbox"/> Denial, suspension or revocation of various licenses (for example, passport, driving licenses); <input type="checkbox"/> Incarceration; <input type="checkbox"/> Hearing regarding a default in payment; <input type="checkbox"/> The power to prohibit a debtor from leaving your State; <input type="checkbox"/> Seizure of lottery or gambling winnings; <input type="checkbox"/> Criminal prosecution on account of failure to comply with duty to pay maintenance; <input type="checkbox"/> Other, please specify:
V. GENERAL INFORMATION CONCERNING YOUR STATE	
1. LEGAL ASSISTANCE	
<p>a. Does your State provide free legal assistance in applications concerning child maintenance?</p> <p>(Article 13(3) of Preliminary Document No 16 – Oct. 2005)</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> Without any means test. <input type="checkbox"/> On the basis of the assessment of the child’s means. <input type="checkbox"/> Other. Please explain.
<p>[b. Does your State provide free legal assistance in applications concerning child maintenance on the basis of reciprocity with other Contracting States that make the same declaration?]</p> <p>(Article 13(7) of Preliminary Document No 16 – Oct. 2005)</p>	<input type="checkbox"/> No <input type="checkbox"/> Yes
2. PAYMENT INFORMATION (WHERE PAYMENTS SHOULD BE SENT) (Article 11(1) <i>f</i>) of Preliminary Document No 16 – Oct. 2005)	
<p>a. Should payments be sent directly to the creditor or to a Central Authority?</p>	<input type="checkbox"/> Creditor; <input type="checkbox"/> Central authority; <input type="checkbox"/> Other, please specify.

<p>b. Is the payment address different than the Central Authority? If yes, please provide address and contact information.</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes Name of creditor or central authority Address Telephone Fax Electronic mail address Web site Contact person (s)</p>
<p>c. What are your arrangements for sending payments you have collected back to the requesting State? Please specify the typical costs associated with this process.</p>	<p>Please specify the costs Please specify who pays the costs</p>
<p>d. In what form can the authority in your State receive payments?</p>	<p><input type="checkbox"/> Cash; <input type="checkbox"/> Cheque; <input type="checkbox"/> Electronic funds transfer, please provide details; <input type="checkbox"/> Other, please specify.</p>
<p>e. Do you specify the conversion of the child maintenance payments to the currency of the creditor's State? If yes, please specify the basis.</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, please specify</p>
<p>f. Is a ranking or a proportional distribution applied to creditors where there are several child maintenance obligations from different previous relationship?</p>	<p><input type="checkbox"/> No <input type="checkbox"/> Yes, please specify</p>
<p>g. Other information about receiving payments?</p>	

END OF STAGE 1

STAGE 2

I. GENERAL INFORMATION	
1. METHODS OF CALCULATING CHILD MAINTENANCE IN YOUR STATE	
a. Is the assessment of child maintenance based on a formula, guidelines, or other criteria? Please outline the principal elements involved in making an assessment.	<input type="checkbox"/> No <input type="checkbox"/> Yes, please outline the principal elements
b. What legislation applies to the assessment of child maintenance? Provide a Web site link if possible.	
2. ESTABLISHING PARENTAGE	
a. What legislation applies to establish parentage in the context of child maintenance proceedings? Provide a Web site link if possible.	
b. Please provide a short overview of the administrative and legal requirements concerning the establishment of parentage in the context of child maintenance proceedings.	
c. Please outline the legal procedures and the methods (including the scientific methods) by which parentage may be established in the context of proceedings for child maintenance.	
d. Please describe the genetic testing requirements and / or restrictions in your State	
e. Please indicate the costs that typically would be involved in the establishment of parentage in your State, who would bear these costs, whether the costs are capable of being covered by legal aid, and whether any distinction is made between residents and non-residents in these matters.	
f. May the recognition or enforcement of a foreign child maintenance decision be refused if it entails a determination of parentage or if a law or a method is applied to that determination different from that applied in your State? If so, please specify.	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
3. FOLLOWING RECOGNITION OF A DECISION BY ANOTHER STATE	
a. Following recognition of the child maintenance decision in the other State, do you require notification of the recognition?	<input type="checkbox"/> No <input type="checkbox"/> Yes

b. Does the recognition in the other State affect the status of the original decision in your State? If yes, please specify.	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
4. OTHER INFORMATION THAT MIGHT BE USEFUL	
a. What is your definition of a child for whom maintenance may be paid in your State?	
b. What happens in your State if the debtor owes or has been ordered to pay more than he or she can afford?	
c. Do your procedures for enforcement permit the debtor to claim inability to pay? If yes, please specify.	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify
d. Are there any limitations on the period for which arrears may be enforced? Please provide the limitation period.	<input type="checkbox"/> No <input type="checkbox"/> Yes, please provide limitation period
e. What happens when the debtor pays a monthly amount, but this amount does not cover the current child maintenance as well as the arrears? How is it determined which debt is paid first and who makes such a decision?	
f. Is it possible to collect interest on arrears in your State? Are there limitations? If yes, please specify.	<input type="checkbox"/> No <input type="checkbox"/> Yes, please specify any limitations
g. What happens with a child maintenance claim under your insolvency laws? (<i>e.g.</i> does it make a difference whether there is an order for child maintenance?)	
h. What are the procedures when a debtor leaves your State?	<input type="checkbox"/> Notify original requesting State <input type="checkbox"/> End the proceedings <input type="checkbox"/> Other, please specify
i. Please provide a short overview of the process that occurs when the creditor or the debtor wants to appeal a decision in your State.	

A glossary of terms will be added at a later stage

END OF STAGE 2