



Newsletter 2023, No. 55

NEWSLETTER OF THE GLOBAL NETWORK: "CHILD SUPPORT WORLDWIDE"

Dear network members and child support experts all over the world,

We are pleased to inform you about the following recent developments in the field of cross-border maintenance recovery.

### Child Support Forum session on June 28<sup>th</sup>, 2023

Under the auspices of DIJuF, the Working Group of the International Network Child Support Worldwide met on June 28<sup>th</sup>, 2023. The session was attended by representatives of public bodies from six countries (Belgium, Germany, Latvia, Norway, Sweden and the Czech Republic) as well as the HCCH, the German and Norwegian central authorities, NCSEA, the German Federal Ministry for Family Affairs, Senior Citizens, Women and Youth as well as other experts. Siri Risnes (Senior Advisor, Family Section, Directorate of Labour and Welfare) gave an overview of the payment of maintenance support and explained how the Norwegian maintenance agency NAV assists children in claiming maintenance. Her main points were that the payment of maintenance support is not linked to an established parentage relationship or a maintenance order. However, maintenance support can only be paid if the custodial parent cooperates closely with the maintenance authority with regard to the establishment of a maintenance order and the recovery of maintenance. In addition, NAV has extensive powers in terms of establishing maintenance orders, obtaining information on the debtor's financial circumstances, at least at national level, and playing the role of the Central Authority under the HCCH 2007 Child Support Convention. Following this presentation, the meeting was mainly dedicated to topics that had emerged as crucial in the previous meetings (such as cross-border obtaining of information on the debtor, cooperation with Central Authorities, currency issues and international money transfers). An overview of the topics was given by Julia Schelcher, head of the cross-border maintenance unit of the German Central Authority (Federal Office of Justice), Floor de Jongh Bekkali, Head of the Cross-border Maintenance Unit of the Norwegian Central Authority (NAV Family Benefits and Pensions Support) and Maren Stranger of the Norwegian Enforcement Agency (the Collection Agency of the Labour and Welfare Administration). This was followed by a lively discussion, which will be summarised and published on the network's website under "Forum" in the coming weeks.

Both previous reports can be downloaded [here](#):

[CSF Report June 2022.pdf \(childsupport-worldwide.org\)](#)



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## **Save the date: Child Support Forum open conference on May, 15<sup>th</sup> 2024**

The previous meetings of the Child Support Forum have shown that the recovery of maintenance by public bodies is characterised by many differing realities and that there is a great need for more exchange, mutual understanding and awareness of its specificities. In order to meet this challenge, the Child Support Forum, which has become a regular meeting place for actors in the cross-border recovery of maintenance within Europe, intends to organise an online conference on May 15<sup>th</sup>, 2024. Further details will follow shortly.

## **Suggestions of the Marburg Group on the EU Commission's proposal for a EU Parenthood Regulation**

On December 7<sup>th</sup>, 2022, the European Commission adopted a proposal for a Regulation to harmonise the rules of private international law relating to parenthood at EU level. A group of German scholars welcomes the Commission's initiative but proposes some technical amendments as well as substantive changes, which raise interesting aspects in view of the promotion of obtaining decisions pertaining to parentage and related maintenance cases efficiently. The commentary on the Commission's proposal is available online.

- [Suggestions of the Marburg group](#)
- [Commission's Press release of 7.12.2022](#)

## **Application of the HCCH 2007 Child Support Convention in the USA**

On its website, the US Central Authority OCSS has published a guide on processing incoming applications under the 2007 Convention. Although the guide is generally addressed to the US child support agencies which handle these cases, it is also very interesting and useful for applicants. The guide can be found [here](#).

## **Georgia signs the HCCH 2007 Child Support Convention and its Protocol**

On May 25<sup>th</sup>, 2023, representatives of the Republic of Georgia signed the HCCH 2007 Child Support Convention and the HCCH 2007 Maintenance Obligations Protocol. These instruments will enter into force for Georgia after the deposit of their instruments of ratification. More information is available [here](#).

## **Canada: New developments on the way to the ratification of the HCCH 2007 Child Support Convention**

Canada is in the process of preparing for the implementation of the HCCH 2007 Child Support Convention, in anticipation of its ratification. British Columbia, Manitoba, and Ontario have all passed legislation paving the way for the implementation of the Convention in those provinces in view of its ratification by Canada.

**British Columbia** passed the Attorney General Statutes (Hague Convention On Child And Family Support) Amendment Act, 2022 on March 28, 2022 which can be located [here](#). In that Act, amendments were made to the Interjurisdictional Support Orders Act that allow applications made under the HCCH 2007 Child Support Convention to use procedures similar to those relating to applications made under the Interjurisdictional Support Orders Act.

**Manitoba** passed The International Child Support and Family Maintenance (Hague Convention) Act on June 1<sup>st</sup>, 2022 and a proclamation has been made that it will come into force on January 1<sup>st</sup>, 2024. This Act can be located [here](#).

As of July 1<sup>st</sup>, 2023, the Maintenance Enforcement Program (MEP) authorities of Manitoba fall under the new The Family Support Enforcement Act. This new legislation replaces The Family Maintenance Act. More information is available [here](#). Also, as of July 1, 2023, amendments to the Interjurisdictional Support Orders (ISO) Act came into force in Manitoba. These amendments will help to streamline interjurisdictional child and spousal support applications and will make it possible to apply the same procedures to international ISO Act cases and to future cases under the 2007 Child Support Convention.

**Ontario** passed the International Recovery of Child Support and Family Maintenance Convention Act, 2023, S.O. 2023, c. 9, Sched. 16, which came into force on June 8<sup>th</sup>, 2023, the day it received Royal Assent. The Act provides that the Convention has force of law in Ontario on and after the day it enters into force in accordance with Article 60 of the Convention, being the first day of the month following the expiration of three months after ratification. This Act further provides, among other thing, that, to the extent specified under the Act, the procedures that apply with respect to applications under the 2007 Convention are those that apply with respect to comparable applications under the Interjurisdictional Support Orders Act, 2002. More information is available [here](#).

An overview of the Canadian maintenance agencies is available [here](#).

### **CSW-Newsletter – get involved!**

Thank you for your feedback on the latest contributions!

You are kindly invited to continue sharing information with us regarding:

- Your national child support law and public supporting instruments,
- Private international law developments related to child support,
- The practice of cross-border recovery of child support in your State,
- Any events or publications related to the cross-border recovery of child support.



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