



Newsletter 2023, No. 57

NEWSLETTER OF THE GLOBAL NETWORK: "CHILD SUPPORT WORLDWIDE"

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

First of all, we would like to wish you all a peaceful festive season. We are particularly thinking of those of you who have been and are still affected by the various conflicts that have unfortunately marked recent times.

We look forward to continuing to inform you about news in the field of cross-border maintenance recovery. Here are the latest developments we would like to draw your attention to.

Open Online Conference on International Recovery by Public Bodies on May 15th, 2024 2-5pm CEST

The Child Support forum is pleased to invite every interested stakeholder to an open conference deepening the topic of cross-border maintenance recovery by public bodies.

Due to the increase in international mobility of families, the need for immediate child support in case of default of maintenance payment is growing. This support often consists of advance maintenance payments granted by public authorities, which then must be reimbursed by the debtor. The enormous sums of money that states spend on these benefits make the cross-border enforcement of maintenance by public bodies an important political issue.

The first three meetings of the Child Support Forum showed that there is a great need for exchange between the public bodies. On the one hand, they face different hurdles in enforcing their claims due to the diversity of the maintenance support systems. On the other hand, common problems were also identified. The results of this work will be presented.

In a future perspective, it is clear that the tension between the need for more support for children, for an effective recovery of maintenance against debtors, and debtor protection is growing. It will be interesting to discuss to what extent the States make the grant of benefits dependent on the legal possibilities for reimbursement. For example, in the light of the text of the 2007 Convention and of the EU-Maintenance Regulation, public bodies currently have less support from Central Authorities when they seek reimbursement of maintenance support than children do when they claim child maintenance. Thus, the question arises as to whether debtor protection still justifies this legal situation and how maintenance debtors can be protected from double claims when it is no longer the child alone but a public body that seeks the recovery of maintenance payments.

The conference will mark the end of a series of three seminars on the topic of maintenance recovery by public bodies and is intended to provide insight into its socio-political and legal



aspects as well as a unique opportunity for exchange with experts from different fields (academics, central authorities, public bodies from different countries).

The conference program can be downloaded [here](#).

To register, please click [here](#).

HCCH 2007 Child Support Convention applicable in Ontario and Manitoba from February 1st, 2024 and in British Columbia from 1st March 2024

On October 27th, 2023, Canada deposited its Instrument of Ratification to the HCCH 2007 Child Support Convention. At the time, Canada declared that the application of the Convention would extend to the provinces of Manitoba and Ontario. On November 27th, 2023, Canada made another Declaration to extend, in addition, the application of the Convention to the province of British Columbia. As a result, the Convention will enter into force for Canada on February 1st, 2024. The application of the Convention will first extend to Manitoba and Ontario on February 1st, 2024 and then to British Columbia on March 1st, 2024.

Furthermore, Canada has made the following (main) declarations and reservations for all three provinces:

- The provinces will extend the application of the Convention as a whole to child support obligations that are consistent with their applicable law, including, but not limited to, child support obligations towards persons who are 21 years of age or older and are unable, by reason of illness, disability or other cause, including, but not limited to, enrollment in a full-time program of education, to withdraw from their parents' charge or to obtain the necessities of life.
- A reservation has been made pursuant to Article 20, paragraph 2, in respect of Article 20, sub-paragraphs (1) c) (creditor based jurisdiction), (1) e) (jurisdiction agreements) and (1) f) (decisions made by administrative authorities).
- Pursuant to Article 30, para. 7, applications for recognition and enforcement of a maintenance arrangement in both provinces shall only be made through the Central Authorities.

The designated Central Authorities will be Manitoba Justice, Family Law Section for Manitoba, the Assistant Deputy Minister Director, Family Responsibility Office of the Ministry of Children, Community and Social Services (ISO unit) for Ontario and the Interjurisdictional Support Services

Ministry of Attorney General for British Columbia.

HCCH 2007 Child Support Convention applicable in Kyrgyzstan from November 1st, 2024

On October 27th, 2023, the Kyrgyz Republic deposited its instrument of ratification of the HCCH 2007 Child Support Convention. It will enter into force on November 1st, 2024.

The Kyrgyz Republic has made the following (main) declarations and reservations:

- Applications for recognition and enforcement will be subject to the recognition and enforcement procedure provided for in Article 24 (1) of the Convention, notwithstanding the provisions of Article 23 (2) to (11) of the Convention. This is, among others, to take sufficient account of the national proceeding, which is a single stage proceeding.
- Pursuant to Article 30, para. 7, applications for recognition and enforcement of a maintenance arrangement shall only be made through the Central Authorities.
- Pursuant to Article 44 (1) of the Convention, any applications and related documents of requesting Member States shall be accepted for execution in the territory of the

Kyrgyz Republic if they are accompanied by a duly certified translation into Kyrgyz and/or Russian.

The designated Central Authorities will be the Judicial Department under the Supreme Court of the Kyrgyz Republic.

HCCH 2007 Child Support Convention applicable in Botswana from November 16th, 2023

On November 16th, 2023, the 2007 Child Support Convention entered into force for the Republic of Botswana. No declaration or reservation has been made. The Department of Social Protection in the Ministry of Local Government is the designated Central Authority.

Ukraine's Declaration concerning the Implementation of the 1956 UN Convention

On November 20th, 2023, Ukraine declared that it implements the 1956 UN Convention in full, with the exception of the territories that are temporarily occupied by the Russian Federation or where hostilities are conducted.

For the regularly updated list of territories that are temporarily occupied by the Russian Federation or where hostilities are (were) conducted, please see the link below:

<https://zakon.rada.gov.ua/laws/show/z1668-22#Text>

Digitalization of Judicial Cooperation Regulation approved by EU Parliament

The Digitalization of Judicial Cooperation Regulation (COM/2021/759 final) is going to impact cross-border maintenance proceedings as the EU Maintenance Regulation EC n°4/2009 represents a legal act in the area of judicial cooperation in civil and commercial matters within the meaning of Annex 1 of the new Regulation.

After the trilogue negotiations on the Digitalization of Judicial Cooperation Regulation led to a compromise in July 2023, which was approved in committee on September 19th, 2023, the compromise was approved by the European Parliament in its plenary session on November 23rd, 2023. It now still needs to be approved by the Council to enter into force.

The main changes include:

- modifications of the definitions, including a new definition of "videoconferencing" and a modified definition of "competent authority"
- specification of situations where alternative means of communication may be used
- possibility to use decentralized systems also between the national authorities of one country
- better protection of rights of private parties, who must consent to the use of electronic communication, as well as rules on consent to the use of electronic means for hearings in criminal matters
- rule whereby the national law of the country conducting a hearing regulates the hearing
- new rule specifying the modalities for the recording of hearings
- new rule on the training of justice professionals.

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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