



DIJUF

Newsletter 2024, No. 59

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.

Open Online Conference on International Recovery by Public Bodies

On 15 May 2024 the open online conference on International Recovery by Public Bodies, organised by the Child Support Forum, took place with approximately 80 participants in attendance. With various contributions from the legal and socio-political perspective, the importance of State support for families in the event of non-payment of maintenance was made clear, as was the significance of providing public bodies with effective legal instruments enabling them to enforce maintenance claims against debtors, alleviating the financial burden on society. The Child Support Forum is pleased to have provided an opportunity to raise awareness of the special features of the recovery of maintenance by public bodies. It is available for further questions, discussions and suggestions at the e-mail address childsupport@dijuf.de.

A summary with conclusions and recommendations will be available shortly.

All speaker's presentations can be downloaded by clicking the link below:

<https://childsupport-worldwide.org/child-support-forum.html>

The next online session of the Child Support Forum will take place on **29 January 2025**. During this next edition, discussions will center around **Child Maintenance and Authentic Instruments** (establishment of authentic instruments by notaries and public institutions/cross-border recognition, declaration of enforceability and enforcement). More information on the program and registration will be announced in the next newsletter.

Single Parents and Child Support Systems, An International Comparison

This new book takes a novel approach to child support policy analysis, single parents and child support systems. It locates the transfer of payments between separated parents within a wider social policy ecosystem and compares the political, institutional and administrative dimensions of child support policy enactment across the globe. The book starts by setting out how children's and resident, often single, parents' economic welfare can be conceived across countries with respect to the responsibilities of the State, the market and the family. Country-specific chapters map how post-separation child support policy reinforces or breaks from the gender and family norms that underpin each country's suite of relevant welfare and family regimes. The book analyzes Nordic, Liberal, and Conservative/Corporatist welfare regimes and



INCSS

studies emerging social policy comparators from Africa, South America and Asia, including one Sharia law regime. The collection examines how child support policies reference, reinforce or contradict the gendered presumptions associated with pre-separation and other family policies that exist within wider family and welfare regimes in each national context. It concludes with a review of the resourcing of children's care across the ten countries studied.

The book is edited by Kay Cook, Professor of Sociology, Department of Humanities and Social Sciences, Swinburne University of Technology, Australia, Thomas Meysen, Managing Director, SOCLES International Centre for Socio-Legal Studies, Germany, and Adrienne Byrt, Postdoctoral Research Fellow, Centre for Transformative Media Technologies, Swinburne University of Technology, Australia.

More details are available [here](#).

CJEU, 6 June 2024 on the interpretation of Art. 12 of the EU Maintenance Regulation

The decision of the CJEU in case C-381/23, Geterfer (ECLI:EU:C:2024:467) was published on 6 June 2024. The court was tasked with interpreting the concept of *lis pendens* pursuant to Article 12 of the EU Maintenance Regulation and particularly with determining whether the bringing of an action previously brought by the mother against the father in Belgium precludes the *lis pendens* of an action for maintenance brought by the child against the mother after having reached the age of majority.

The court relied on the existing case law on Article 21 of the Brussels Convention to provide a broad interpretation of the concept of the "same parties". In paragraph 37 of its decision, the CJEU provided the following:

"Having regard to the subject matter of that regulation [...] it must be acknowledged that, in certain situations, formally different parties may, in relation to the object of two sets of proceedings, have an interest which is so identical and indissociable, namely the interests of the child concerned as a maintenance creditor, that a judgment delivered against one of those parties would have the force of *res judicata vis-à-vis* the other. In such a case, those parties must be capable of being regarded as one and the same party within the meaning of Art. 12 of that regulation."

However, the court did not consider that the proceedings have "the same subject matter". Although the maintenance claims both related to the child's maintenance claim, the court found that they concerned different periods of time.

The full decision can be downloaded [here](#).

Georgia ratifies the 2007 Child Support Convention and the 2007 Maintenance Obligations Protocol

On 14 May 2024, Georgia deposited its instruments of ratification of the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2007 Child Support Convention) and of the Protocol of 23 November 2007 on the Law Applicable to Maintenance Obligations (2007 Maintenance Obligations Protocol). The Convention will enter into force for Georgia from September 2024.

Georgia made some reservations and declarations under the 2007 Convention. Among others, Georgia will apply the Convention to maintenance obligations arising from a parent-child relationship towards persons under the age of 18 years. Furthermore, in accordance with Article 63 of the Convention, Georgia declared that applications for the recognition and enforcement of a maintenance arrangement within the meaning of Article 30(7) shall only be submitted through the Central Authority of Georgia. Finally, applicants should note that, in

accordance with Article 63(1) and Article 11(1)(g), Georgia will require additional documents and information regarding the applications under Article 10.

More details are available [here](#).

The Dominican Republic accedes to the 2007 Child Support Convention

On 21 March 2024, the Dominican Republic deposited its instrument of accession to the Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance (2007 Child Support Convention). The Convention will enter into force for the Dominican Republic from 23 March 2025.

As for reservations and declarations, the Dominican Republic reserves the right, under Article 2(2) of the Convention, to limit the scope of application to persons who have not attained the age of 18. Furthermore, in accordance with Article 63 of the Convention, applications for recognition and enforcement of a maintenance arrangement within the meaning of Article 30(7) will have to be made through the Central Authority only.

More details are 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.



In case you are not the original addressee and/or this newsletter has been forwarded to you: Please send a message to childsupport@dijuf.de if you wish to receive our future newsletters. If you do not wish any further information, please click here: nomail@dijuf.de.

The German Institute for Youth Human Services and Family Law assumes responsibility for the contents available on www.childsupport-worldwide.org.

Despite careful control, we do not assume any liability for the contents of external links. The operators are solely responsible for contents of linked pages.

For more information please visit our website www.childsupport-worldwide.org or contact Isabelle Jäger-Maillet at childsupport@dijuf.de / +49 6221 9818-0.