



# DIJUF

Newsletter 2024, No. 61

NEWSLETTER OF THE GLOBAL NETWORK: "CHILD SUPPORT WORLDWIDE"

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

As the year comes to an end, we would like to thank you for your interest in the topics covered by the Child Support Worldwide Newsletter. We wish you all a Merry Christmas and look forward to further fruitful exchanges in 2025.

As usual, we are delighted to inform you about the following news in the field of international maintenance recovery.

### Open Online Meeting on "International Maintenance Recovery on the Basis of Authentic Instruments" on January 29<sup>th</sup>, 2025, 3-5pm CET

The Child Support Forum is pleased to invite every interested stakeholder to a new open meeting which will focus on questions of "International Maintenance Recovery on the Basis of Authentic Instruments".

The payment of child support is not always ordered by a court. Maintenance debtors may commit themselves to making these payments in an enforceable deed, also called "authentic instrument". How are authentic instruments established? How can they be enforced abroad in case of non-payment of child support? The lack of international awareness as regards their nature often leads to difficulties when it comes to their implementation. The meeting will aim to provide information on these two topics and to allow an exchange between the stakeholders involved in both the establishment and the enforcement of authentic instruments.

The speakers, Nigel Ready, scrivener notary in London, and Prof. Dr. Martiny, expert in private international law, will give an overview of the legal framework. Afterwards, Isabelle Jäger-Maillet, International Coordinator of Child Support Worldwide, and Catherine Collombet, Deputy Director of the Department of European, International Relationships and Cooperation of the French *Caisse Nationale d'Allocations Familiales*, will give a report from the practitioners' perspective.

Please click [here](#) for the program.

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

**Annual Interregional and International Family Law Forum of the Chinese Society of Private International Law**



INCSS

The Annual Interregional and International Family Law Forum of the Chinese Society of Private International Law was held on September 21<sup>st</sup>, 2024. Zhang Yong, a PhD student at the University of Macau, kindly summarized the aspects relating to parentage and maintenance law.

According to Art. 42 and 43 of the Interpretation of the Supreme People's Court on the Application of the Marriage and Family Code of the Civil Code of the PRC, maintenance means that parents provide the necessary material conditions for the healthy growth of their minor children. The maintenance expenses include the expenses for feeding, raising, providing daily life, education, activities, etc. The parental obligation to bring up minor children is an unconditional obligation that cannot be excused under any pretext. From the moment a child is born until they can live on their own, they must be supported, even if the parents get divorced.

A maintenance obligation requires a valid parentage. Under Chinese law, the presumption of legal paternity can be based either on the parents' marriage or on biological paternity. Parenthood from a surrogacy contract is still controversial. The presumption of legal paternity can only be challenged in court. According to Art.1073 of the Civil Code of PRC, the subject of a paternity claim is limited to parents and adult children, and they generally can provide a paternity/DNA relationship test report proving or invalidating the existence of a blood relationship.

You can find more detailed information on current issues of parentage [here](#).

## **Towards a universal and automatic system of maintenance support in Belgium**

As announced by Jozep Pacolet in his presentation at the [Child Support Forum online seminar in May 2024](#), a study on improving the Belgian support system in the event of non-payment of child maintenance, looking for inspiration from Revenu Québec and ARIPA in France, has now been published on the website of the [Institute for the Equality of Women and Men](#). The study, which presents the possibility of installing an automatic and universal maintenance intermediation system in Belgium, is available in French and Dutch. Both versions can be downloaded [here](#).

## **Paraguay signs and ratifies the 2007 Child Support Convention and its Protocol**

On October 25<sup>th</sup>, 2024, Paraguay signed and ratified the 2007 HCCH Convention on the International Recovery of Child Support and Other Forms of Family Maintenance and the 2007 Protocol on the Law Applicable to Maintenance Obligations.

Both instruments will enter into force for Paraguay on February 1<sup>st</sup>, 2025. Concerning child support the Republic of Paraguay reserves the right in accordance with Article 62, to limit the application of the Convention to persons who have not attained the age of 18 years. Furthermore, a declaration was made with regard to the application of the Convention with respect to other maintenance obligations. With respect to the Protocol, no declaration or reservation was made.

More details are available [here](#).

## **Maintenance Obligations Protocol enters into force for Albania**

On October 1<sup>st</sup>, 2024, the 2007 Protocol on the Law Applicable to Maintenance Obligations entered into force for the Republic of Albania, following the deposit of its instruments of ratification on June 25<sup>th</sup>, 2024. No declaration or reservation was made.

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.



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