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NEWSLETTER OF THE GLOBAL NETWORK: "CHILD SUPPORT WORLDWIDE"

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

We are delighted to inform you about the following news in the field of international maintenance recovery:

Materials relating to the Child Support Forum of January 29th, 2025

On January 29th, 2025, the fifth Child Support Forum took place in the presence of 75 participants from 28 different countries. The topic '**International Maintenance Recovery on the Basis of Authentic Instruments**' was very well received by practitioners and academics. The speakers (*Nigel Ready*, scrivener notary, *Prof. Dr. Dieter Martiny*, *Maria Kitanova*, Caisse Nationale d'Allocations Familiales, *Isabelle Jäger-Maillet*, German Institute for Youth Services and Family Law) gave a comprehensive presentation on how authentic instruments are established, the circumstances under which they can be recognized and enforced across borders and the challenges that arise when child maintenance needs to be enforced on this basis. Due to the strict rules of authentication, the trustworthiness of these instruments was emphasized, as was the important role they play in the out-of-court resolution of maintenance disputes. The presentations were followed by a discussion. In particular, there were questions about the legal term 'recognition of authentic instruments' that are worthy of further study. We would like to thank the speakers for their commitment and the participants for their interest and inspiring questions and comments. The presentations are now available [here](#).

A report of the fifth Child Support Forum will follow. The next meeting of the Child Support Forum is planned for January 2026. The exact topic and schedule will be announced in due time.

Delimitation of the scope of application of the EU Maintenance Regulation and the Lugano Convention (Court of First Instance of Mytilene, judgment no. 161/2024, published in the Thessaloniki Bar Review 'Armenopoulos' 2025, pp. 1497 et seq.)

As long as the question of international jurisdiction in the EU was regulated by Regulation (EC) no. 44/2001, there was harmony with the identical wording of the Lugano Convention. This is no longer the case since the EU Maintenance Regulation (EC) no. 4/2009 became



applicable on June 18th, 2011. This change raises the question of the relationship between the jurisdiction provisions of the EU Maintenance Regulation and those of the Lugano Convention.

In the aforementioned Greek proceeding, the Court of First Instance of Mytilene ruled on an application filed by a mother against the child's father for establishment of a child support order. The parents were Greek nationals and residents of Switzerland. The Court held, among other things, that the Maintenance Regulation is not applicable in these circumstances. It pointed out that the parties have their residence in Switzerland and that the Lugano Convention takes primacy over the Regulation pursuant to Article 69 of the Regulation, according to which the latter "shall not affect the application of bilateral or multilateral conventions and agreements to which one or more Member States are party at the time of adoption of this Regulation and which concern matters governed by this Regulation".

Even if the resulting ruling of the case is correct, the grounds upon which it was reached are surprising. The Lugano Convention of October 30th, 2007 cannot fall under Art. 69 of the Maintenance Regulation, as it only came into force in relation to the EU on January 1st, 2011. The relationship between the two instruments is, therefore, a question of interpretation of two provisions: Art. 64 and Art. 67 of the Lugano Convention (see: CJEU, 20.12.2017, C-467/16, Schlömp./Landratsamt Schwäbisch Hall, ECLI:EU:C:2017: 993; Kostkiewicz/Eichenberger, Comparative Law Review 2015, p. 13, 20, 21; Goubet/Buckingham/Jacob/Wells-Greco/Liger, Study on the application of the regulation (EU) No 4/2009, p. 101; Lipp in Kubis/Peifer/Raue/Stieper, *Ius Vivum*, Festschrift für Haimo Schack zum 70. Geburtstag, p. 752. et seq.).

We draw attention to this first instance decision because the question of the distinction between the Lugano Convention and the EU Maintenance Regulation is very relevant to the question of international jurisdiction for actions brought by public bodies. In particular, it is questionable whether the decision of the ECJ of September 17th, 2020, C-540/19 (WV./Lkr. Harburg) is transferable to the interpretation of Article 5(2) of the Lugano Convention or whether the previous Blijdenstein case law will remain applicable (ECJ, 15.1.2004, C-433/01, Freistaat Bayern./Blijdenstein).

We would be happy to pass on feedback on the status of the discussion in your jurisdictions in the next newsletter edition.

50 years of the US Child Support Program

The US Child Support Program was established in 1975. An interesting overview of the history of the US Child Support Program and current activities is available [here](#).

We congratulate our American colleagues on this jubilee and look forward to further successful cooperation in cross-border maintenance cases.

Sixth Meeting of the International Transfer of Maintenance Funds Experts' Group

From February 3rd to 5th, 2025, the International Transfer of Maintenance Funds Experts' Group (ITMFEG) met for the sixth time. The meeting was held online, hosted by the Permanent Bureau of the HCCH in The Hague. It was attended by 50 delegates and other experts, representing 20 HCCH Members and one Observer, as well as by members of the Permanent Bureau of the HCCH.

The ITMFEG continued its work discussing good practices in relation to the cross-border transfer of maintenance payments. The meeting was also an occasion to take stock of progress achieved and to discuss the future work of the ITMFEG. An aide-mémoire, providing a short

overview of the main points of discussion, can be found [here](#). The ITMFEG will present a report on the progress of its work to the Council on General Affairs and Policy in March 2025.

El Salvador accedes to the 2007 Child Support Convention

On February 6th, 2025, the Republic of El Salvador deposited its instrument of accession to the HCCH 2007 Child Support Convention.

As to the declarations and reservations, the Republic of El Salvador recommends the use of the Spanish language for any communication addressed to the Central Authority of El Salvador or other authorities of the country and objects to the use of the French language.

The Convention will come into force between El Salvador and other States which have not raised an objection in accordance with Art. 58(5) on 7 February 2026.

Georgia Joins the International Child Support Community: Key Takeaways from the 97th EJM Meeting

By *Ana Gvinjilia*, Head of International Legal Cooperation Unit, International Relations and Legal Cooperation Department, Ministry of Justice of Georgia (Central Authority of Georgia)

On September 1st, 2024, the HCCH 2007 Child Support Convention and its Protocol entered into force for Georgia. This milestone made Georgia the 51st State bound by the Convention and the 33rd bound by the Protocol, marking a significant step in its integration into the international child support community.

For the purposes of 2007 Child Support Convention, the Ministry of Justice of Georgia, specifically the Department of International Relations and Legal Cooperation, has been designated as the Central Authority (CA). The CA of Georgia is responsible for providing assistance with applications under Chapter III of the Convention, including the transmission and receipt of applications and facilitating legal proceedings. However, it does not have the authority to represent parties in court. When legal aid is required, the CA refers applicants to the LEPL Legal Aid Service of Georgia, a state-funded entity that provides free legal assistance to eligible individuals across the country.

Under Georgian legislation, cases involving minors require their participation and consideration of their views. In such cases, minors are automatically assigned legal aid by the state, even if their guardians have already appointed legal representation.

Authorities and Legal Framework

Georgia does not have public bodies within the meaning of Chapter VII of the Convention. Additionally, under the reservation made by Georgia, the age of majority is defined as 18. However, according to the Georgian Civil Code, parents are obligated to provide maintenance not only to their minor children but also to disabled children in need of support.

If maintenance payments cannot be executed due to the debtor being untraceable, arrears accumulate indefinitely and must be paid in full, regardless of whether the limitation period has expired or whether the maintenance recipient has reached adulthood.

At this stage, Georgia has not extended the application of the Convention to maintenance obligations arising from family relationships, parentage, marriage, or affinity, including obligations related to vulnerable persons.

Language and Communication Requirements

Georgia has made a reservation limiting the language of communication under the Convention to English only. Additionally, all documents submitted in cooperation requests must be accompanied by a certified Georgian translation.

While the Central Authority can accept applications via electronic means, the case materials must also be sent by regular mail in physical form.

Recognition and Enforcement of Foreign Decisions

Georgia applies the alternative procedure under Article 24 for the recognition and enforcement of foreign maintenance decisions. While the Central Authority of Georgia is the sole channel through which applications on the recognition of the maintenance agreements must be submitted.

Only decisions that have been recognized by the Supreme Court of Georgia and for which a writ of execution has been issued are subject to direct enforcement. If a decision was issued in another state, it must first be recognized by the Supreme Court of Georgia. The recognition process is initiated through an application submitted by the relevant authority or the Central Authority. Notably, Supreme Court decisions on recognition cannot be appealed. Once a decision is recognized, it is transmitted to the National Bureau of Enforcement, where maintenance decisions are subject to immediate enforcement.

Enforcement Measures in Georgia

Upon recognition, the following enforcement measures apply:

- Restrictions on the debtor - Upon initiation of enforcement proceedings, restrictions may be imposed, including seizure of property and registration in the Debtor's registry.
- Notification to the debtor - Within five days of proceedings commencing, the debtor is notified of their obligation and given seven calendar days to comply voluntarily.
- Deduction of funds - If the debtor fails to comply, enforcement officers can request automatic deductions from the debtor's bank accounts, transferring the funds to the National Bureau of Enforcement.
- Property status verification - Within five days of a request by the National Bureau of Enforcement, the debtor must submit detailed information on their assets.
- Search and sale of assets – The debtor's movable and immovable property may be seized and auctioned within one month to satisfy the maintenance obligation.
- Distribution of recovered funds - Any proceeds from the auctioned assets are allocated with priority given to satisfying the creditor's claim.

Criminal Liability for Non-Payment of Child Support

In accordance with Article 176 of the Georgian Criminal Code, persistent failure to comply with a court-ordered alimony obligation is punishable by:

- A fine;
- Community service of 120 to 240 hours;
- Correctional labor for up to one year.

What better way to introduce Georgia's legal framework in this area than by attending the 97th meeting of the European Judicial Network (EJN) in Civil and Commercial Matters on maintenance, held last October in Budapest under the Hungarian presidency of the EU?

As an EU candidate country, Georgia's participation in the EJM meeting as an observer was of utmost importance. The event provided a valuable platform for establishing connections, exchanging experiences, and discussing challenging cases with international counterparts. Beyond networking opportunities, the agenda itself was highly relevant.

In an era of rapid digitalization, the presentation by the HCCH representatives on iSupport, a global case management system for the international recovery of child support, highlighted the increasing role of technology in cross-border cooperation. Learning about the positive experiences of countries like Germany and Sweden in using iSupport and hearing that many others are in the process of implementing it was promising for Georgia as it continues modernizing its approach to child support enforcement.

For a country working to align its national legislation with the EU acquis, discussions on the EU Maintenance Regulation and recent CJEU case law were particularly valuable. The meeting also facilitated in-depth exchanges on emerging issues in maintenance enforcement, including:

- The possibility of amicable solutions, such as the impact of voluntary agreements on a creditor's right to request enforcement of the original maintenance decision at a later date;
- The role of mediation in cross-border maintenance proceedings;
- The use of videoconferencing to facilitate amicable agreements;
- Challenges related to confirming the death of a debtor and the role of the requested country's Central Authority;
- Complexities in maintenance enforcement, such as the impact of imprisonment on maintenance recovery, the recovery of arrears for a child who has reached the age of majority, enforcing foreign maintenance decisions that may no longer be enforceable under the law of the executing state, etc.

Overall, participation in the EJM meeting was an invaluable opportunity to engage with experts, gain insights into best practices, and reinforce its commitment to international cooperation in child support and family maintenance.

Conclusion

Georgia's implementation of the HCCH 2007 Child Support Convention reflects its commitment to effective international cooperation in the enforcement of child maintenance obligations serving the protection of children's rights. While the Central Authority plays a crucial role in transmitting applications and facilitating proceedings, the recognition and enforcement process remains judicially controlled, ensuring compliance with Georgian legal standards.

By continuously aligning its legislation with international best practices, Georgia is reinforcing its legal framework and strengthening its position within the global child support community.

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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