



DIJuF

Newsletter December 2025, No. 65

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 2026.



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

Open Online Meeting on "Cross-Border Enforcement of Child Support: Pros and cons of the different national systems" on January 28th, 2026, 3-5:30pm CET



The [Child Support Forum](#), in cooperation with the [International Union of Judicial Officers](#), is pleased to invite every interested stakeholder to an open meeting which will focus on questions of "Cross-Border Enforcement of Child Support: Pros and cons of the different national systems."



According to Art. 41 of Regulation (EC) No. 4/2009 and Art. 32 of the 2007 Child Support Convention, the enforcement procedure shall be governed by the law of the state of enforcement. But in practice, the prospects of successfully initiating cross-border enforcement proceedings are not always easy to assess. To enforce successfully, it is necessary to know the specifics of the legal system of the state of enforcement (the Requested state).

INCSS

Key questions in this context are:

- What does the process of enforcement of child support look like in different states?
- Are maintenance claims given a degree of priority?
- How do Central Authorities facilitate the ongoing enforcement of maintenance decisions as well as the collection and expeditious transfer of maintenance payments?
- What are the conditions for children to be exempted from costs?

The meeting aims to review the international legal framework and provide an overview of the various national enforcement systems. Finally, the advantages and disadvantages of the different systems from a legal policy perspective shall be discussed.

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

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

Meeting of the European Network in Civil and Commercial Matters

provided by *Luiza Nadstazik*, Chief Specialist, Department of Family and Juvenile Matters, Ministry of Justice of Poland

The 103rd meeting of the European Judicial Network (EJN) on civil and commercial matters took place on December 4-5, 2025, in Brussels. The meeting aimed to facilitate discussion of the EU Maintenance Regulation 4/2009 among EJN contact points, Central Authorities, legal practitioners, and observers from across the European Union and beyond. Maintenance remains a vital issue in the framework of cross-border family law, so the EJN meeting was very intense and productive.

On the first day of the meeting, representatives of the European Commission presented updates on EJN activities and e-Justice Portal tools related to maintenance, as well as updates on new Contracting Parties to the Child Support Convention and Protocol. The Commission also discussed recent CJEU case law and statistics on the operation of the Regulation. The International Academy of Family Lawyers (IAFL) presented their activity and elaborated on the possibility for family law experts to join the Academy as future Fellows. The HCCH provided an update on iSupport and the operation of the Child Support Convention and Protocol. Furthermore, Norway, one of the EU Member States' major partners in maintenance cases, presented their experience with the recovery of maintenance obligations.

Discussions on the application of the Maintenance Regulation were held on the first and second days and covered the following issues: requests from the public bodies for establishment of maintenance, international transfer of maintenance payments and recovery of interest on overdue and unpaid maintenance. The cooperation between Central Authorities regarding four aspects was also brought up for discussion: the use of secure email in their exchanges, their role in amicable agreements/mediation, processing requests for specific measures, and maintenance in cases related to child abduction.

Additionally, an important part of the EJN meeting is the opportunity for bilateral meetings between representatives of the Central Authorities. These discussions cover specific cases and / or general issues regarding their cooperation. The importance of these bilateral discussions is reaffirmed every year, as they contribute to the quality of cooperation between EU Member States.

The next EJN meeting on the operation of the Maintenance Regulation is scheduled for October 19-20, 2026, in Brussels.

Opinion of Advocate General on the concept of “equivalent document” within the meaning of Art. 9(a) of the EU-Maintenance Regulation

On 2 October 2025, Advocate General Norkus delivered his [opinion](#) in the Winderwill preliminary ruling proceedings (Case C-516/24) and concluded that an application for legal aid cannot be regarded as an equivalent document within the meaning of Article 9(a) of the Regulation EC no 4/2009.

In this proceeding the referring court (Local Family Court of Schleswig, Germany) invites the ECJ to consider the interpretation of the concept of 'equivalent document' to the document instituting the proceedings within the meaning of Article 9(a) of the EU Maintenance Regulation. In particular, the Court will have to rule on whether an application for legal aid brought by the maintenance creditor to sue the debtor can come within the scope of that concept.

The facts of the case can be summarised briefly as follows:

An application for legal aid for the purpose of applying for a variation of child maintenance was initiated by the respondent's dependent son (maintenance creditor) at his habitual residence in Germany. Attached to the legal aid application was an application to vary in draft form, indicating that it would be formally submitted in the event of legal aid being granted. Before the referring court ruled on the application for legal aid, the respondent brought an action seeking variation of his maintenance obligations before the Swedish Family Court of his habitual residence. The applicant was denied legal aid by the local Family Court, but this decision was withdrawn by the German court of appeal. Meanwhile, the application for variation brought by the respondent in Sweden had been dismissed on the grounds of lack of international jurisdiction.

With reference to previous ECJ case law, the Advocate General (no. 30 et seq.) recalls that the concept of 'equivalent document' to the document instituting the proceedings must be interpreted as *bringing the substance of a dispute before a court*. He considers that the concept of 'equivalent document' inevitably refers to the *equivalent effects* produced by the bringing of legal proceedings to obtain an enforceable judgment which satisfies the applicant's claims. The opportunity given to the respondent to become informed of the submission of the application for legal aid, thereby revealing the elements of the dispute, is a particular feature of German law which gives rise to doubts as to the classification of that application in the light of Article 9(a) of Regulation No 4/2009 (no. 60). Nevertheless, the Advocate General points out that in the strict sense, and notwithstanding the specific features of German legal procedure, proceedings for legal aid unilaterally concern the applicant alone. Furthermore, the procedure for transmitting the application for legal aid does not confer effects equivalent to those produced by the official communication by way of service of a document instituting proceedings. In those circumstances, the existence of a link or proximity between the proceedings for obtaining legal aid and the 'substantive' proceedings is not sufficient, in itself, to consider that the latter proceedings would have been instituted as soon as the proceedings for applying for legal aid have been brought in the State in question.

German Maintenance Law explained in English

The German association Neue deutsche Medienmacher*innen e.V. has updated its online handbook on German maintenance law. [There](#) you will find useful general information on German maintenance law in English.

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 Dr. Isabelle Jäger-Maillet at childsupport@dijuf.de / +49 6221 9818-0.