

## **The family Law Dimension of maintenance**

From a family law perspective, the first question to be asked in the international recovery of maintenance is the following: What is a “family” and what degrees of relationship do maintenance obligations ensue from? A comparative legal analysis of which family ties lead to maintenance obligations and of whether and, where appropriate, when such obligations may expire, needs to be carried out. This raises the question of responsibility, which is determined by national law (e.g., the responsibility of parents towards their children or of the former spouse towards his ex-spouse), and of solidarity (e.g. between the generations in the case of maintenance obligations in the ascending or descending line and/or between siblings). The financial consequences of a divorce, in particular, need to be taken into account. Even though there is a tendency to promote a “clean break” and “self-sufficiency” and thus to exclude any maintenance obligation between the ex-spouses after the divorce, such maintenance obligations nevertheless continue in certain cases in some legal systems. The legal situation regarding registered partnerships should also be discussed with respect to maintenance obligations.

It is not only family law in the narrower sense that plays a role in the area of maintenance law. In particular, it is supplemented by many social law provisions which are supposed to enhance the effectiveness of maintenance recovery.

The national enforcement mechanisms, some of which – based on maintenance obligations arising under family law – provide for special garnishment measures in favour of maintenance claims, also have considerable practical importance.