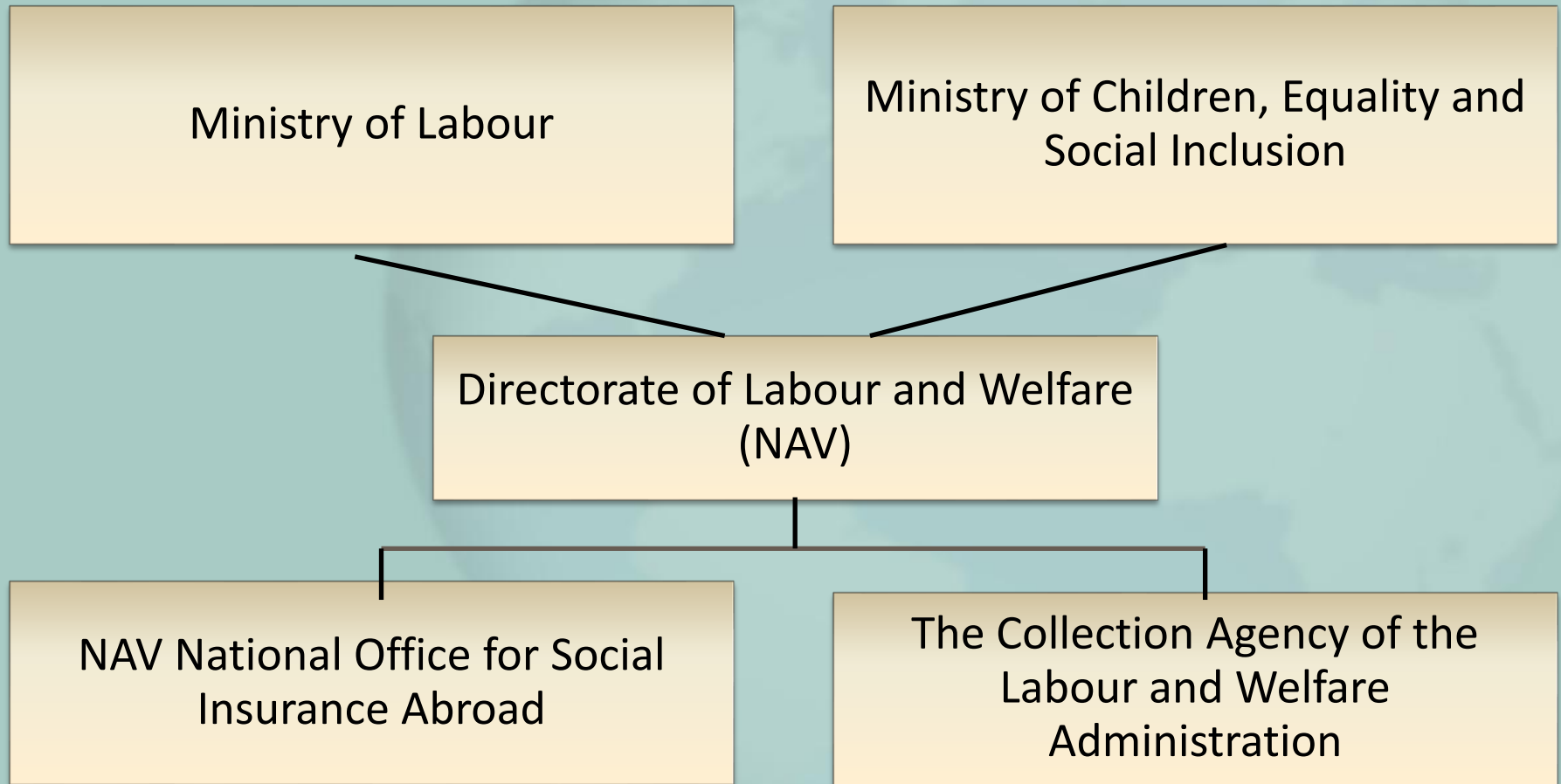


# Child Support Procedures in Norway

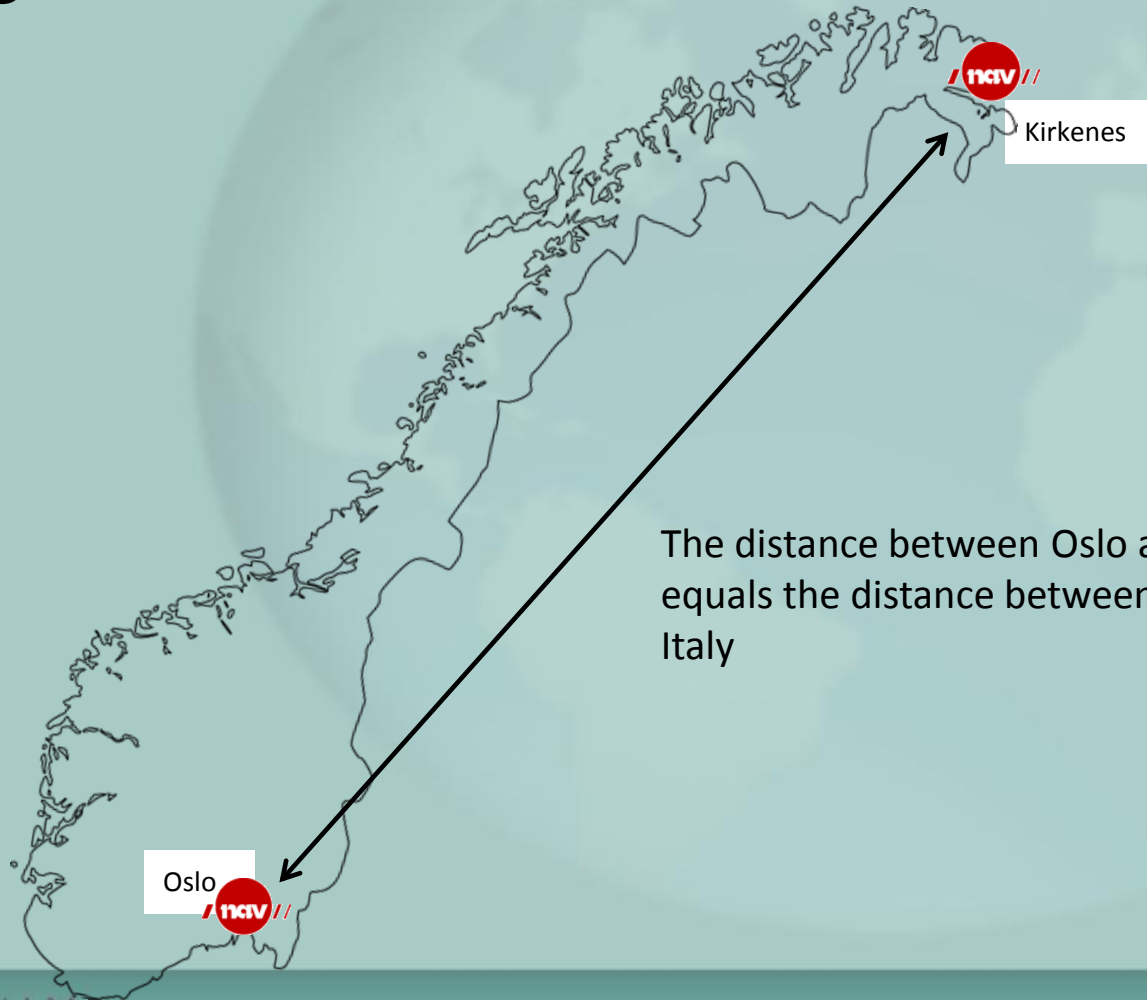
# Political and Administrative Organization

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# One Central Authority – Two Offices

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The distance between Oslo and Kirkenes  
equals the distance between Norway and  
Italy

# Separate Functions – Overview

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- NAV National Office for Social Insurance Abroad
  - Central authority
  - Establishes administrative child support decisions
  - Receiving agency
  - Recognizes foreign orders
  
- The Collection Agency of the Labour and Welfare Administration
  - Collects national and foreign orders in Norway
  - Requesting agency for collection abroad

# NAV National Office for Social Insurance Abroad

# NAV National Office for Social Insurance Abroad

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- A centralized office based in Oslo handling international social insurance- and child support cases
- Employees
  - 210 in total
- Child support unit:
  - 22 employees from 9 different countries



# Child Support in Norway – Key Figures

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- Population of Norway: 5 million
- Private agreements are common
- Most child support decisions are established administratively, and not by the courts
- Approximately 120 000 existing child support cases
- 10 % of all cases are international



# Norwegian Legislation on Child Support

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- The Children Act of 1982
  - Regulates the legal relationship between child and parents, including establishment of child support
- The Advance Payment of Maintenance Act of 1989
  - Regulates the rights to advance payments of unpaid support for custodial parents living in Norway
- The Maintenance Payments Recovery Act of 2005
  - Regulates the collection of Norwegian and foreign orders





# Norwegian Jurisdiction - Overview

- The Children Act gives wide jurisdiction when one of the parties or the child resides in Norway. Jurisdiction can be limited by convention agreements.
- Both parties can put forward a claim for establishment, regardless of where they live.

# Main Principles for Child Support Establishment

- Separate rules for Norwegian and international cases, but similarity in principle:
  - shared income model
  - average expenses for children
  - cost of visitation taken into account
  - payment ability assessment / maximum payment restrictions
  - Non-respondents: determination based on imputed income
- Rules for Norwegian cases are exhaustive
- Rules for international cases are discretionary

# An International Shared Income Model

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- Average expenses for children living abroad are set in accordance with international cost-of-living statistics
- Differences in taxation are taken into account
- Net income of both parties is converted into purchasing power (OECD-statistics)
- This model is more flexible, while at the same time ensuring that similar cases have similar results

# Necessary Information

- Address of responding party
- Proof of paternity
- Documentation of income
- Decision or agreement on visitation
- Day-care expenses
- Additional expenses for the child such as schooling, medical expenses (these may be taken into account)
- Household members and other child support obligations (only for non-custodial parents)

# Child Support After the Child Turns 18

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- By statute, Norwegian child support decisions terminate the month the child turns 18
- Further establishment of child support requires secondary education attendance
- Having turned 18, the child becomes a legal party and must put forward any claim for establishment
- University attendance normally does not qualify for establishment

# Paternity in Norway

- Paternity can be established in Norway, regardless where the child is born, if one of the parties resides in Norway
- Paternity is handled by local authorities administratively or established by court order
- Foreign paternity decisions can be recognized in Norway



# International Conventions – Recognition and Enforcement of Maintenance Orders

- NAV National Office for Social Insurance Abroad is Norway's central authority and recognizes foreign orders for enforcement
- Most claims from the Nordic countries, Poland, Germany, USA and the Baltic countries
- Most orders we receive are recognized in Norway
- Good communication and collaboration with requesting states

# The Collection Agency of the Labour and Welfare Administration

# The Collection Agency of the Labour and Welfare Administration

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- A centralised collection unit, established in 1992
- Located in Kirkenes in northern Norway
- 146 employees that work in:
  - Collection of child support
  - Collection of incorrectly paid social security benefits
  - Administration, accounts, legal, IT



# Dialogue and Information

- Face-to-face interaction with non-custodial parents and custodial parents is minimal due to location
- Access to skilled employees via telephone
  - Our primary point of contact with non-custodial parents
  - 4 000 calls per week
- Incoming letters, faxes & e-mails
  - 1 300 per week
- Parties may visit local NAV-office for assistance
- Website [www.nav.no](http://www.nav.no) with relevant information, publications and forms

# Voluntary Payers: 40 %

**40 % of child support is paid in one of the following ways:**

- Invoicing
- Agreed bank endorsements (direct debit, standing order)
- The only contact we have with voluntary payers may be through monthly invoice or bank statement

# Arrears Management for Voluntary Payers

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- Enter into dialogue with non-custodial parent
- Consider their income and expenses
- Payment can be made in installments or be deferred



# Non-Voluntary Payers: 60 %

## Enforcement measures:

- Wage withholding
- Deductions from social security payments
- Credit bureau reporting
- Tax refund withholding
- Seizure and forced sale of assets/property
- Claim bankruptcy
- Travelling restrictions (ban on leaving the country)



# Criminal Prosecution

- Only in cases where the non-custodial parent has the means, but is unwilling to pay (unwilling to work, unregistered employment)
- Fine or prison sentence of 1-6 months
- Preventive measure
  - Press coverage
  - Consequences (criminal record, stigma)

# Our Definition of an International Case

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- Requesting agency
- Non-custodial parent living abroad
- Custodial parent and children living in Norway
- 9 % of all collected cases

# Cooperating Countries

**As a requesting agency, we send cases according to:**

- the Nordic Convention of 1962
  - Sweden, Denmark, Finland, Iceland, Greenland, Faroe Islands
- The Bilateral agreement between USA and Norway of 2002
- Hague 58 and 73
  - Australia, Austria, Germany, Netherlands, Switzerland and the United Kingdom

# Success Criteria

- Administrative child support decisions and collection within one organisation; the Labour and Welfare Administration
- Highly skilled employees
- Dedicated cross-communicating IT systems
- Legal authority to access registers

# Cooperating Countries

- With the ratification of Hague 2007 we look forward to an increased cooperation with more countries in the field of collection of child support.

# Contact Information

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