



Newsletter 2023, No. 56

NEWSLETTER OF THE GLOBAL NETWORK: "CHILD SUPPORT WORLDWIDE"

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

We are pleased to inform you about the following recent developments in the field of cross-border maintenance recovery.

**Report about the June 2023 Child Support Forum now available:
Norwegian maintenance support system/ Cooperation between central authorities
and public bodies/Transfer of funds issues.**

The third Child Support Forum took place on June 28th, 2023. The report on the presentations and the subsequent discussions is now available on the CSW website (childsupport-worldwide.org). This report provides an overview of the Norwegian legislation on the payment of maintenance support. It also gives an idea of how the Norwegian maintenance agency NAV claims reimbursement of maintenance support payments and assists children in enforcing their maintenance claims. The key point here is that the payment of maintenance support is not linked to an established parentage relationship or a maintenance order, which seems to be an exception among the European maintenance support systems presented during the previous sessions of the Child Support Forum (only Germany, Latvia and Sweden have reported about similar rules). What is particular about this system is that the conditions for granting maintenance support are quite low-threshold. However, the funding of those benefits is guaranteed through an effective recovery system based on the concentration of competences in one authority (NAV) and on a strict obligation for beneficiaries to cooperate with NAV in the establishment of a maintenance order and the recovery of maintenance.

The second part of the report is mainly dedicated to three topics that emerged as crucial in the previous meetings, namely cross-border gathering of information on the debtor, cooperation between public bodies and Central Authorities as well as currency issues and international money transfers. With regard to information gathering, the participants agreed that cross-border investigations on the debtor's address and income are very difficult. It is possible to apply for specific measures within the framework of cooperation between Central Authorities. However, the possibilities of investigation are limited to the options available under the national laws of the requested States and the disclosure of information is severely restricted by data protection rules (Art. 61, 62 of Regulation (EC) No. 4/2009). Regarding the cooperation with Central Authorities, it was stressed that it is important for the Central Authorities and for the authorities of the requested State to know which amounts are requested by the public institution and in which legal framework the latter is acting (as representative of the child or as a creditor acting in its own name). This is not always clear from the application forms. Here, there is still a lack of information about the particularities of maintenance recovery by public institutions for the requesting authorities as well as for the authorities of the requested states. The simplification of communication in urgent cases and the lack of promotion of amicable dispute resolutions were also addressed. Finally, it was



emphasized with regard to international payments that having the debtor bear the costs of money transfers to the child is difficult in many cases and that the legal situation regarding the obligation to bear those costs is not assessed uniformly.

All three reports of the Child Support Forum sessions can be downloaded [here](#).

Study on the Application of the EU Maintenance Regulation

13 years after the entry into force of the European Maintenance Regulation (Regulation (EC) No. 4/2009), the European Commission has published a study on its application, which is based on an analysis of case law, articles published by academic and practitioners as well as a survey conducted among relevant stakeholders of the cross border recovery of maintenance. According to the study, positive effects are noted, such as the significant simplification of enforcement procedures after the abolition of exequatur or the very generous provisions on the exemption of costs, especially for minor children. However, the handling of the extensive forms, the assertion of claims by public institutions and the fact that it is still difficult for maintenance creditors to obtain information are highlighted as challenges. The study can be downloaded [here](#).

From Paper Checks to Electronic Transfer of Cross-border Payments from the U.S. Contribution of the German Central Authority (Federal Office of Justice - Bundesamt für Justiz)

By Dr. Sarah Gerling-Stock, Co-Head of Division II 4 (Cross-border Recovery of Maintenance)

In a joint project with OCSS as U.S. Central Authority, the German Federal Office of Justice has abolished paper checks and switched to a new electronic payment solution for cross-border child support cases between the United States and the German Central Authority – an important milestone for digitalization.

This development was made possible thanks to the introduction by OCSS and the U.S. states of the Central Authority Payments Service (CAP). This new system represents a significant step forward and makes it possible to disburse child support to the entitled families more quickly and efficiently. The vast majority of U.S. states are participating in this program. U.S. states that do not participate in the CAP service now also send their child support payments electronically to the German bank account held by the Federal Office of Justice.

The Federal Office of Justice has also switched to exclusively electronic payments in cases involving Australia, Canada, New Zealand and the United Kingdom.

Background:

When the Federal Central Bank (Deutsche Bundesbank) announced it would stop processing paper checks from abroad as of 1 January 2023, the Federal Office of Justice liaised with partner countries which regularly sent child support payments by check. It was apparent that the time had come to switch to electronic payments. Given that in 2022 the Central Authority in Bonn still received around 1.000 paper checks per month across some 800 cases from the U.S., the implementation of the new system with the U.S. was prioritized.

As not only the German Central Authority but many other countries were no longer in a position to accept checks, an international Experts' Group was established: The Experts' Group on the International Transfer of Maintenance Funds was founded by the Permanent Bureau of the Hague Conference for International Private Law (HCCH). From its inception in 2019 it focused on phasing out paper checks as well as on cost-effective and fast electronic transfer of child support. In the Experts' Group meetings, alternative solutions for the cross-border transfer of funds and the sharing of experiences in this field were discussed. Identifying possible solutions that are cost-effective, transparent, prompt, efficient and accessible were

and are the main goals. The Experts' Group on the International Transfer of Maintenance Funds will meet for the fifth time in February 2024 (online).

OCSS began implementing the CAP Service as its electronic payment solution in early 2023. As the first partner country on international level, Germany was asked by OCSS to have the Federal Office of Justice join the project. The close cooperation between the U.S. and German teams led to successful tests with two U.S. states in early 2023. Thereupon, other U.S. states started joining the CAP service.

What makes the CAP service so convenient is that U.S. states can send collected child support payments to OCSS in Washington D.C. which then transfers the funds to Germany in weekly bundled payments. The cross-border transfer of funds through the U.S. federal government's International Treasury Services and the Federal Central Bank (Deutsche Bundesbank) to the German Treasury (Bundeskasse) is free of charge and in Euro.

Processing:

The steps for processing bundled payments in Germany are the following:

- Detailed caseload reconciliation between each single U.S. state and the Federal Office of Justice in Bonn
- Individual case information is transferred from U.S. states to OCSS along with the child support payment
- OCSS creates an XML file containing the case information before a bundled payment made up of payments from all U.S. states involved is sent to Germany
- Federal Office of Justice splits up the bundled payment on the basis of the case information from the XML file
- Federal Office of Justice forwards individual payments to the bank accounts of the creditors in Germany free of charge.

HCCH News: Launch of e-Country Profiles project

On September 1st, 2023, the Permanent Bureau of the HCCH announced the launch of the e-Country Profiles project, a new EU-funded project coordinated by the Permanent Bureau. The project will result in the development or modernization of online Country Profiles for a number of key HCCH Conventions including the 2007 Child Support Convention. The project's aim is to enable the authorities concerned to complete the Country Profiles for these Conventions online, in order to facilitate access to legal and practical information by public authorities, legal practitioners and other interested parties. It is anticipated that a first set of e-Country Profiles will be available towards the end of 2024. For further information, please see Prel. Doc. No 11 of December 2022, which is available here [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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