

## **Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance**

As international relationships become more common, so too are the instances in which some of these relationships end, leaving families stretched across borders. In these cases, a robust framework for international child support arrangements is required to safeguard the interests of the children involved. The Child Support Convention and its associated Protocol facilitate the cross-border recovery of child support payments, improving the standard of living for many children around the world. This assists Contracting Parties in their implementation of Article 27 of the United Nations Convention on the Rights of the Child (UNCRC) and reduces children's reliance on State support, generating savings for governments.

The purpose of the Convention is “to ensure the effective international recovery of child support and other forms of family maintenance” (Art. 1). The Child Support Convention pursues these objectives through a system of effective cooperation between Contracting Parties and the availability of country-specific information (Country Profiles); effective access to cross-border maintenance procedures by providing most services and any legal assistance free of charge; expedited and simplified procedures for recognition and enforcement; and a requirement for prompt and effective administrative procedures.

### **Principal features of the Convention**

#### ***Scope of the Convention***

The Child Support Convention applies to child support cases. Applications for the recognition and enforcement of spousal support, when made in conjunction with a claim for child support, also fall within the scope. Claims for the recognition and enforcement of spousal support not accompanied by a claim for child support also come under the Convention but may not benefit from the system of administrative cooperation between Central Authorities. Contracting Parties can choose to extend the scope of the Convention (or any part of it, e.g., extending Central Authority services to spousal support not accompanied by a claim for child support) to any other maintenance obligations arising from a family relationship, parentage, marriage, or affinity (Art. 2(3)).

#### ***Recognition and enforcement of decisions***

The bases for recognising and enforcing maintenance decisions of other Contracting Parties under the Convention are broad (Art. 20). In practice, the principal bases are the habitual residence of either the respondent or the creditor in the State of origin where proceedings were initiated. The definition of a decision for the purposes of recognition and enforcement includes a settlement or agreement concluded before, or approved by, a judicial or administrative authority (Arts 3(e) and 30). It may also include automatic adjustment by indexation, a requirement to pay arrears, retroactive maintenance, interest payable and a determination of costs and expenses (Art. 19(1)). Contracting Parties will have to enforce decisions or maintenance arrangements in respect of payments falling due prior to the entry into force of the Convention, between the State of origin and the State addressed, for maintenance obligations arising from a parent-child relationship towards a person under the age of 21 years (Art. 56(3)).

## Role of authorities

The Convention provides for a system of Central Authorities in all Contracting Parties and imposes general obligations on these authorities, such as: cooperating with one another; transmitting and receiving applications (*i.e.*, applications for recognition, enforcement, establishment, or modification of a decision); initiating or facilitating the institution of proceedings; assisting in locating a debtor or creditor or obtaining information about the resources of either; encouraging amicable solutions; facilitating ongoing enforcement; collection and transfer of maintenance payments; assistance in establishing parentage; and help in obtaining any necessary provisional measures.

## iSupport

The Child Support Convention foresees and facilitates the use of new information technologies (Arts 13 and 35(1)), such as the iSupport case management and secure communication system, to reduce costs and delays affecting international child support claims.

## Additional resources

The [Child Support Section](#) of the HCCH website contains the latest information about the Child Support Convention. This includes:

- Text of the Convention
- Status table of Contracting Parties
- List of Central Authorities and practical information (incl. Country Profiles)
- Explanatory Report on the Child Support Convention
- Guides to Good Practice
- An Implementation Checklist
- Mandatory and Recommended Model Forms
- Information on iSupport