



Hague Child Support Convention – Case Processing and Lessons Learned

WICSEC 2018 - October 15

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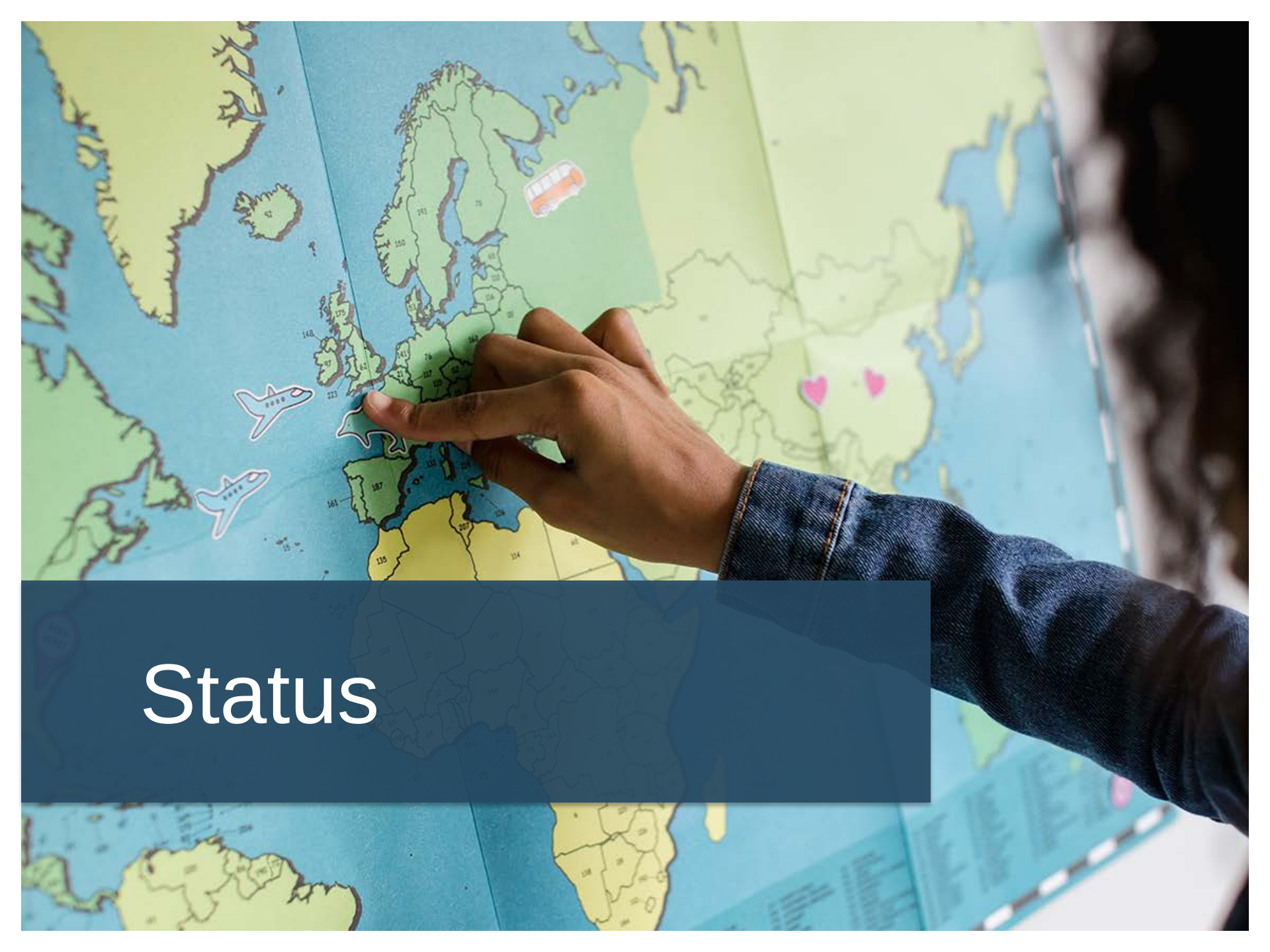
OFFICE OF CHILD SUPPORT ENFORCEMENT

Outline

- Status
- Scope of 2007 Hague Child Support Convention
- Convention Forms
- Translation of Documents
- Evidentiary Issues
 - Telephonic and electronic hearings
 - Admissibility of forms and evidence
- Enforcement Issues

Outline (cont'd)

- Modification Issues
- Payment Processing
 - Form of payment
 - Currency conversion
 - Reconciliation of accounts

A close-up photograph of a person's hand pointing at a world map. The hand is wearing a blue denim sleeve. The map is spread out, showing Europe, Africa, and parts of Asia. There are several travel-themed stickers on the map: two pink airplane stickers in the Atlantic, a pink bus sticker in Northern Europe, and two pink heart stickers in East Asia. A semi-transparent dark blue rectangle is overlaid on the bottom left of the image, containing the word "Status" in white text.

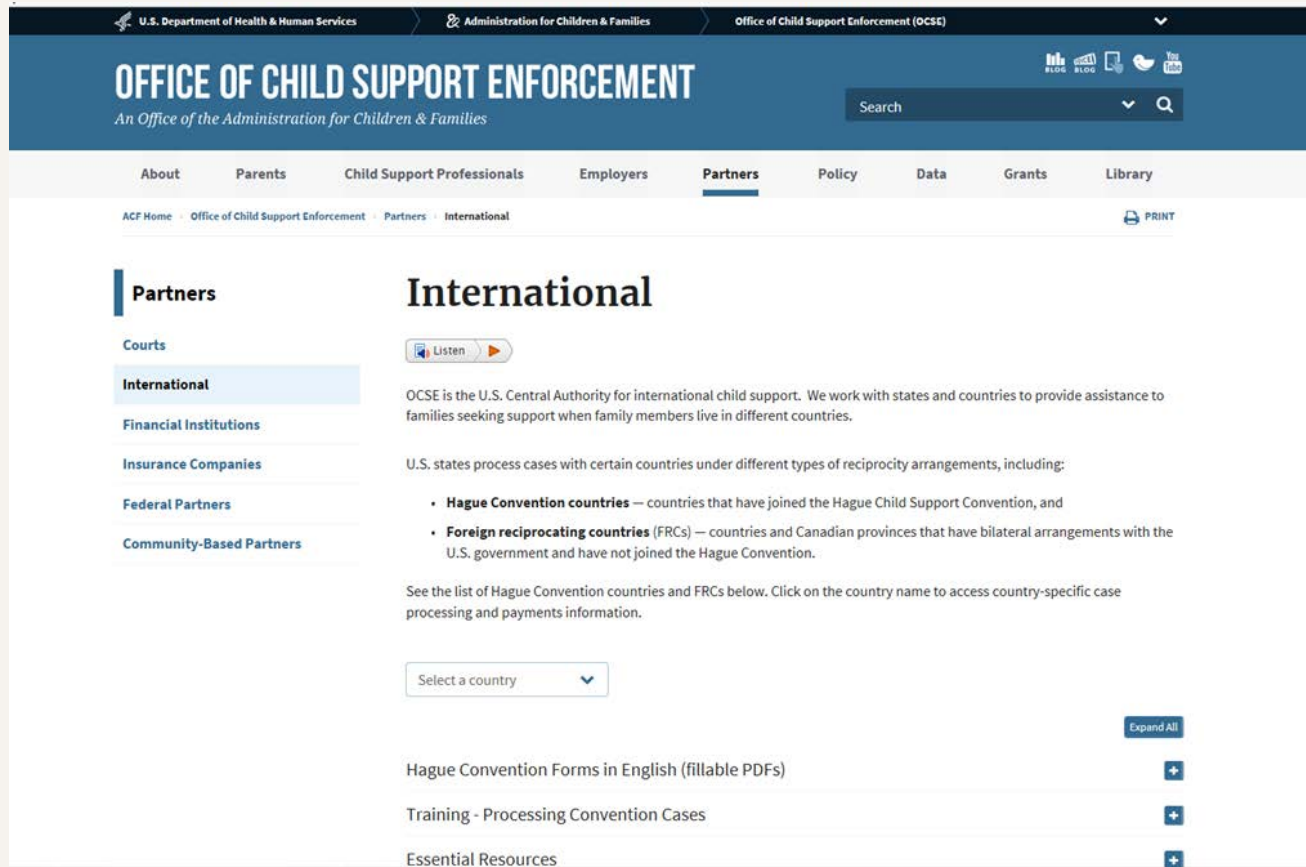
Status

Hague Child Support Convention – Current Status

- As of October 1, 2018, Convention in force in 36 countries

Albania	France	Norway
Austria	Germany	Poland
Belarus	Greece	Portugal
Belgium	Hungary	Romania
Brazil	Ireland	Slovakia
Bosnia and Herzegovina	Italy	Slovenia
Bulgaria	Latvia	Spain
Croatia	Lithuania	Sweden
Cyprus	Luxembourg	Turkey
Czech Republic	Malta	Ukraine
Estonia	Montenegro	United Kingdom
Finland	Netherlands	United States

OCSE International Page



The screenshot shows the OCSE International page. The header includes the U.S. Department of Health & Human Services, Administration for Children & Families, and Office of Child Support Enforcement (OCSE) logos. The main navigation bar has links for About, Parents, Child Support Professionals, Employers, Partners (selected), Policy, Data, Grants, and Library. A search bar is located on the right. The left sidebar lists various partner categories: Courts, International (selected), Financial Institutions, Insurance Companies, Federal Partners, and Community-Based Partners. The main content area is titled 'International' and includes a 'Listen' button. The text explains that OCSE is the U.S. Central Authority for international child support and provides assistance to families seeking support when family members live in different countries. It lists two types of reciprocity arrangements: Hague Convention countries and Foreign reciprocating countries (FRCs). A dropdown menu for 'Select a country' is provided. At the bottom, there are links to Hague Convention Forms in English (fillable PDFs), Training - Processing Convention Cases, and Essential Resources, each with an expand button.

U.S. Department of Health & Human Services | Administration for Children & Families | Office of Child Support Enforcement (OCSE)

OFFICE OF CHILD SUPPORT ENFORCEMENT

An Office of the Administration for Children & Families

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Partners

Courts

International

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Federal Partners

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International

Listen

OCSE is the U.S. Central Authority for international child support. We work with states and countries to provide assistance to families seeking support when family members live in different countries.

U.S. states process cases with certain countries under different types of reciprocity arrangements, including:

- **Hague Convention countries** — countries that have joined the Hague Child Support Convention, and
- **Foreign reciprocating countries (FRCs)** — countries and Canadian provinces that have bilateral arrangements with the U.S. government and have not joined the Hague Convention.

See the list of Hague Convention countries and FRCs below. Click on the country name to access country-specific case processing and payments information.

Select a country

Expand All

Hague Convention Forms in English (fillable PDFs)

Training - Processing Convention Cases

Essential Resources

<http://www.acf.hhs.gov/css/partners/international>

OCSE International Page (cont'd)





FOR PARENTS WITH INTERNATIONAL CASES

STATE POLICY AND INTERNATIONAL INFORMATION

Top International Resources

All OCSE International Policy Resources 

Published: March 8, 2017

OCSE International Program Contact 

Published: June 2, 2016

U.S. Department of State - International Child Support Resources 

Published: June 13, 2017

<http://www.acf.hhs.gov/css/partners/international>

OCSE Resources on Hague Convention

- Policy Guidance

- IM-15-01: Uniform Interstate Family Support Act (2008) and Hague Treaty Provisions
- DCL-16-21: Open Comment Period – Hague Child Support Convention Case Processing Forms
- DCL-16-12: Pending Effective Date of the Hague Child Support Convention and Resources
- DCL-16-11: U.S. Ratification of Hague Child Support Convention
- AT-14-08: H.R. 4980: Preventing Sex Trafficking and Strengthening Families Act of 2014

- Training

- <https://www.acf.hhs.gov/css/resource/training-international-case-processing>

A low-angle photograph of a classical building facade, likely a museum or government building. The image shows several large, fluted columns supporting a heavy entablature. Above the columns, a series of statues in classical attire are visible, possibly representing deities or historical figures. The sky is overcast and grey. A dark blue rectangular overlay is positioned in the lower-left quadrant of the image.

Scope

Mandatory Scope of Hague Child Support Convention

- Child support
 - Establishment and modification (at least to age 18)
 - Requested State law applies
 - Recognition and enforcement up to age 21
 - BUT Contracting State may reserve right to limit scope to children under age of 18
 - U.S. did not make reservation
- Parentage establishment *if*
 - Necessary to establish child support obligation

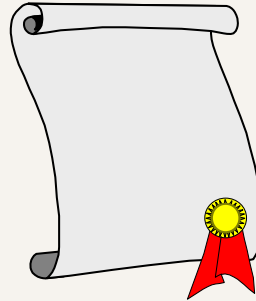


Mandatory Scope of Hague Child Support Convention (cont'd)



- Spousal support
 - Recognition and enforcement of spousal support in conjunction with child support
 - Central Authority must assist
 - Establishment, enforcement, modification of spousal support only
 - No Central Authority responsibilities for spousal support only

Case Scenario 1 – Question 1



€500/month until child self-sufficient

Child now 21

TX has recognized and is enforcing Spanish order under Hague Child Support Convention

There are arrears that accrued prior to age 21

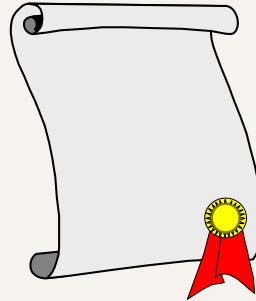
Question 1: Must TX provide services under Convention for *current* support after child turns 21 years of age?

Case Scenario 1 – Response 1

Response 1: No. Convention only requires recognition and enforcement of current child support for child under age of 21 years.

- To enforce current support once child turns 21, creditor could retain private counsel in TX

Case Scenario 1 – Question 2



€500/month until child self-sufficient

Child now 21

TX has recognized and is enforcing Spanish order under Hague Child Support Convention

There are arrears that accrued prior to age 21

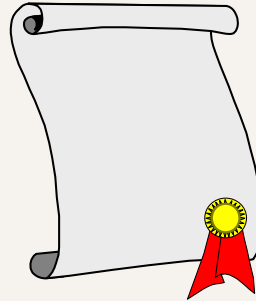
Question 2: After child turns 21, must TX agency continue to provide services to creditor to enforce any ***arrears*** that had accrued before child turns 21?

Case Scenario 1 – Response 2

Response 2: Yes. Since initial application was within scope of Convention and arrears arose under that order, TX agency must collect arrears that accrued under order before child turned 21 years.

- Under Convention and UIFSA, longest statute of limitations
- either that of Spain or of TX – applies to arrears

Case Scenario 2 – Question 1



Adult child now 25

Arrears only order for
€20,000

Spanish order was ***not*** sent to U.S. for recognition and enforcement during child's minority, because creditor did not know debtor's location. Creditor learns that debtor resides in TX.

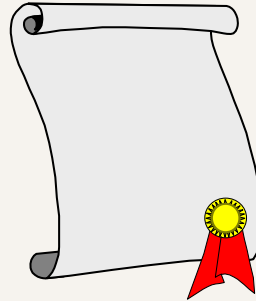
Question 1: Can Central Authority in Spain transmit application to TX agency on behalf of creditor, seeking recognition and enforcement of arrears-only order when child is 21 years or older?

Case Scenario 2 – Response 1

Response 1:

- If original order was made within scope of Convention, then arrears that accrued are enforceable under Convention
- Yes, Spanish Central Authority can send application for recognition and enforcement of arrears-only order

Case Scenario 2 – Question 2



Adult child now 25

Arrears only order
for €20,000

Spanish order was ***not*** sent to U.S. for recognition and enforcement during child's minority, because creditor did not know debtor's location. Creditor learns that debtor resides in TX.

Question 2: Must TX agency provide services to collect arrears only?

Case Scenario 2 – Response 2

Response 2:

- Yes, TX agency must provide services to collect arrears only
- Under Convention and UIFSA, longest statute of limitations applies
 - Central Authority in Spain may contact TX agency – or check IRG – in advance to learn about TX statute of limitations

New UIFSA Article 7 – Implements Hague Convention

- Additional definitions
 - Central Authority
 - Foreign support agreement
- Available applications
 - Establishment
 - Enforcement
 - Modification

A close-up, shallow depth-of-field photograph of a person's hands typing on a laptop keyboard. The person is wearing a grey sweater. The laptop is silver. In the background, a larger monitor is visible but out of focus. A dark blue semi-transparent rectangular box is overlaid on the lower half of the image, containing the text 'Convention Forms' in white. The overall lighting is soft and indoor.

Convention Forms

OCSE Convention Forms Page

Hague forms in English and fillable PDFs:

#	FORM TITLE	DESCRIPTION
Mandatory Transmittal and Acknowledgement		
1	Annex 1: Transmittal Form under Article 12(2).pdf	This form must accompany all outgoing applications to Hague countries.
2	Annex 2: Acknowledgement Form under Article 12(3).pdf	This form must be used to acknowledge all incoming applications from Hague countries.
Annex A		
3	Application for Recognition or Recognition and Enforcement.pdf	This form is used for applications for recognition or recognition and enforcement of child support decisions, and includes the option to provide personal information separately.
4	Abstract of a Decision.pdf	This form may accompany an application to recognize or to recognize and enforce a decision where the requested country has specified that it will accept an abstract of the child support decision. The form must be completed by the competent authority of the country of origin.
5	Statement of Enforceability of a Decision.pdf	This form may accompany an application to recognize or to recognize and enforce a decision and confirms that the decision is enforceable in the country of origin. The Statement of Enforceability is completed by the competent authority of the country of origin.
6	Statement of Proper Notice.pdf	This form may accompany an application to recognize or to recognize and enforce a decision and indicates that the respondent did not appear and was not represented in the proceedings in the country of origin but had proper notice of the proceedings and an opportunity to be heard or had proper notice of the decision and an opportunity to challenge it on fact and law. The Statement of Proper Notice is completed by the competent authority of the country of origin.

Non-Disclosure of Identifying Information – UIFSA

- Section 312
- No need for tribunal finding or order
- Need affidavit or pleading under oath that health, safety or liberty of party or child would be jeopardized by disclosure
- If such allegation, information must be sealed
 - No guidance
- Tribunal may order disclosure after hearing

Non-Disclosure of Identifying Information

– Hague Child Support Convention

- Article 40
 - Central Authority makes determination that disclosure could jeopardize the health, safety, or liberty of a person
 - Determination made by one Central Authority must be taken into account by another Central Authority especially when family violence
 - Restricted Information Form

Application – Page 1

Continued on the International Summary of Child Support and Enforcement (Form of Child Enforcement) 4

Application for Recognition or Recognition and Enforcement

☐ Article 19(1) ay ☐ Article 19(2) ay ☐ Article 20

COMPROMISE AND DISCLOSURE PRODUCTION NOTICE

Personal data gathered or transmitted under the Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such information shall ensure its confidentiality, in accordance with the law of its State.

An authority shall not disclose or transmit information gathered or transmitted in application of this Convention if it determines that to do so could jeopardize the health, safety or liberty of a person in accordance with Article 40.

☐ A determination of non-disclosure has been made by a national authority in accordance with Article 40. If this has been decided, information under sections 2 d, e, f and g and 3 should only be provided in the following information on the additional page of this form.

1. Requesting Central Authority file reference number: _____

2. Identifiers of the applicant:

The applicant is:

☐ The person for whom maintenance is sought or payable

☐ The representative of the person for whom maintenance is sought or payable

☐ The debtor

☐ The representative of the debtor

a. Family name(s): _____

b. Given name(s): _____

c. Date of birth: _____ (dd/mm/yyyy)

or

a. Name of the public body:

b. Family name(s) of the central person: _____

c. Given name(s) of the central person: _____

and

d. Address: _____

e. Telephone numbers: _____

f. Fax number: _____

g. E-mail: _____

This document is a public document of the Office of Child Support Enforcement.

Restricted Information if Applicable

Restricted Information on the Applicant	
Application for Recognition or Recognition and Enforcement (☐ Article 10(1) a) ☐ Article 10(2) a) ☐ Article 30)	
N.B. The requesting Central Authority has determined that information under sections 2 d, e, f and g and 5 on this page <u>shall not be disclosed or confirmed</u> for the protection of the health, safety or liberty of a person. Such a determination shall according to Article 40(2) be taken into account by the requested Central Authority.	
1.	Requesting Central Authority file reference number: _____
2.	Particulars of the applicant
a.	Family name(s): _____
b.	Given name(s): _____
c.	Date of birth: _____ (dd/mm/yyyy)
d.	Address: _____
e.	Telephone numbers: _____
f.	Fax number: _____
g.	E-mail: _____
5.	Payments
a.	Details for electronic transfer of payments (if applicable)
	Name of the bank: _____
	NBIC: _____
	SWIFT-address: _____
	IBAN: _____
	Account number: _____

Competent Authority for Signing Convention Forms

- Application
 - Representative of requesting Central Authority transmitting application
 - In US, representative of IV-D child support agency is authorized representative of requesting Central Authority

Competent Authority for Signing Convention Forms (cont'd)

- Statement of Proper Notice
- Statement of Enforceability
- Abstract
 - Two name blocks on each form
 - Official from competent authority in State of origin who completed form
 - Requesting country determines competent authority
 - "State" in Convention context is referring to country
 - Representative of requesting Central Authority transmitting form

Statement of Proper Notice – Page 2

5. Proper notice to the respondent

- ☐ The respondent had proper notice of the proceedings and an opportunity to be heard (☐ Certificate of Service attached if applicable*)
- ☐ The respondent had proper notice of the decision and an opportunity to challenge or appeal it on fact and law (☐ Certificate of Service attached if applicable*)

Name: _____ (in block letters) Date: _____
Name of the official from the competent authority of the State of origin (dd/mm/yyyy)

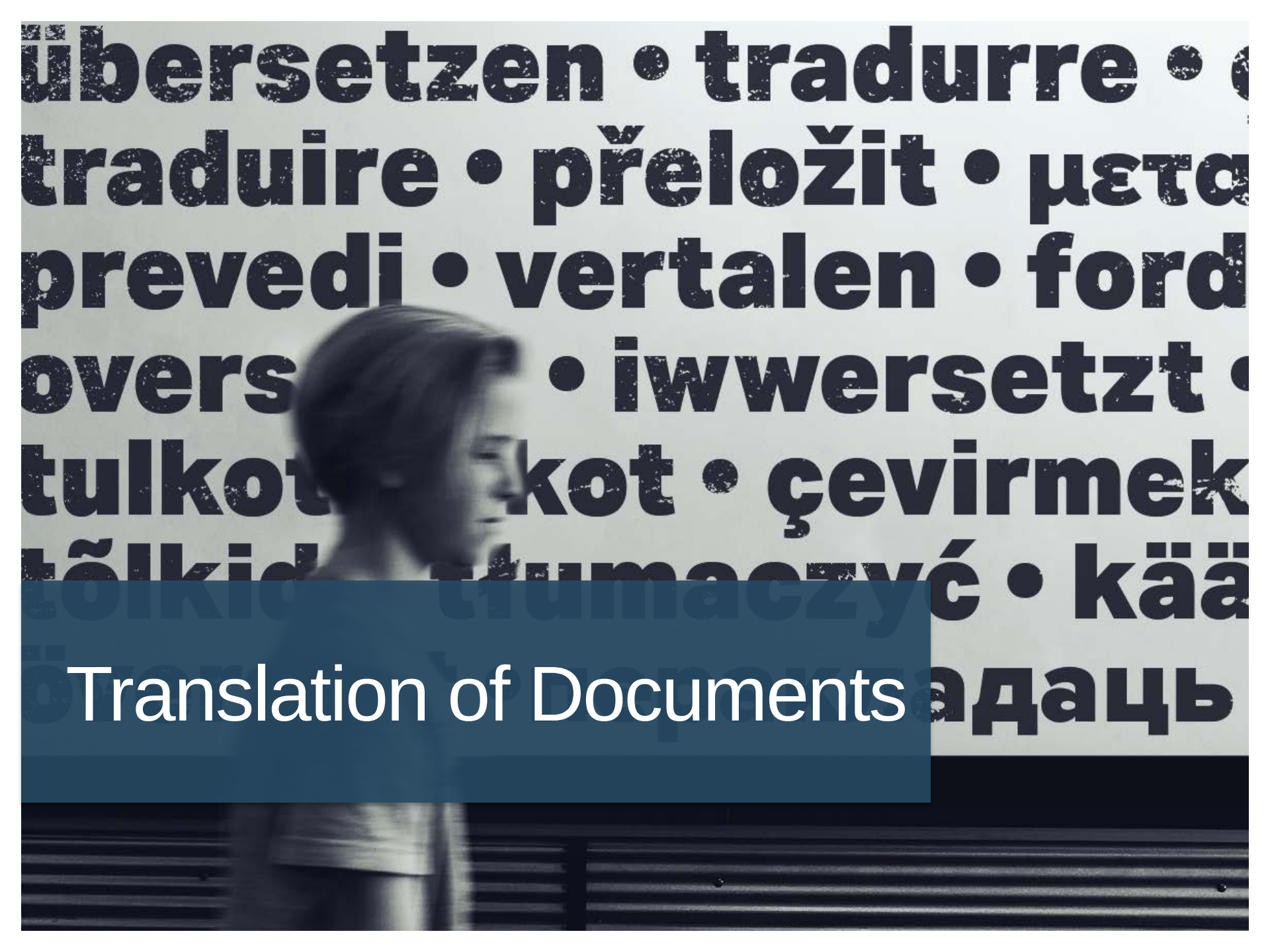
- ☐ This Statement of Proper Notice was completed by the official from the competent authority of the State of origin whose name appears above and is transmitted by the requesting Central Authority.

Name: _____ (in block letters) Date: _____
Authorised representative of the Central Authority (dd/mm/yyyy)

Requesting Central Authority reference number: _____
(For Central Authority use only)

Competent Authority for Signing Convention Forms (cont'd)

- Competent authority in U.S. to sign Statement of Proper Notice, Statement of Enforceability, and Abstract
 - Not defined
 - Child support agency representative in issuing U.S. state or
 - Child support agency representative in requesting U.S. state
- Before signing Statement of Proper Notice, child support agency representative should:
 - Check order for finding about service of process or notice so representative can accurately state that respondent received proper notice – or waived service – and had opportunity to participate in hearing
 - If no such finding, contact issuing tribunal for information to support such statements, for example, copy of proof of service



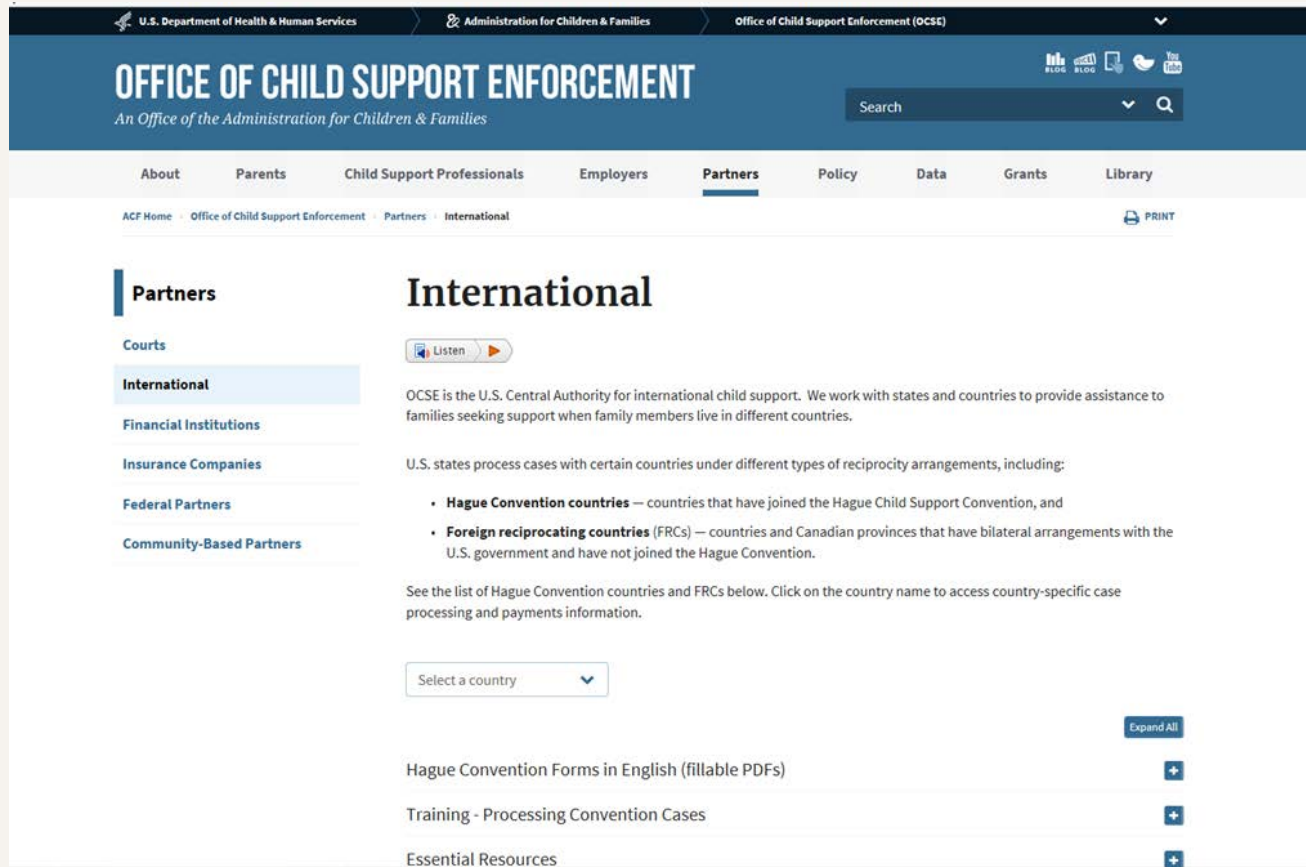
übersetzen • tradurre •
traduire • přeložit • μετα
prevedi • vertalen • ford
overs • iwwersetzt •
tulkot • kot • çevirmek
tõlkid • tłumaczyć • kää
Транслюкация • даць

Translation of Documents

Translation of Documents - Outgoing

- Outgoing Application and related documents
 - Original language
 - Translation into language of requested State or another language State has declared it will accept
- Communication to requested Central Authority
 - Language of requested State, or
 - English or French, unless reservation
- Resources
 - <https://www.acf.hhs.gov/css/resource/hague-child-support-convention-forms-by-country>
 - Convention Country Profile
- Reference – Article 44 of Hague Child Support Convention

OCSE International Page



The screenshot shows the OCSE International page. The header includes the U.S. Department of Health & Human Services, Administration for Children & Families, and Office of Child Support Enforcement (OCSE) logos. The main navigation bar lists various sections: About, Parents, Child Support Professionals, Employers, Partners (selected), Policy, Data, Grants, and Library. A search bar is located on the right. The left sidebar contains a 'Partners' section with links to Courts, International (selected), Financial Institutions, Insurance Companies, Federal Partners, and Community-Based Partners. The main content area is titled 'International' and includes a 'Listen' button. The text describes OCSE's role as the U.S. Central Authority for international child support and lists types of reciprocity arrangements: Hague Convention countries and Foreign reciprocating countries (FRCs). A dropdown menu for 'Select a country' is present. At the bottom, there are links to 'Hague Convention Forms in English (fillable PDFs)', 'Training - Processing Convention Cases', and 'Essential Resources', each with an expand icon.

U.S. Department of Health & Human Services | Administration for Children & Families | Office of Child Support Enforcement (OCSE)

OFFICE OF CHILD SUPPORT ENFORCEMENT

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ACP Home | Office of Child Support Enforcement | Partners | International

Partners

- Courts
- International**
- Financial Institutions
- Insurance Companies
- Federal Partners
- Community-Based Partners

International

[Listen](#)

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- Foreign reciprocating countries (FRCs)** — countries and Canadian provinces that have bilateral arrangements with the U.S. government and have not joined the Hague Convention.

See the list of Hague Convention countries and FRCs below. Click on the country name to access country-specific case processing and payments information.

Select a country

[Expand All](#)

- Hague Convention Forms in English (fillable PDFs)
- Training - Processing Convention Cases
- Essential Resources

Country Specific Language Information

Austria

ROUTINE COMMUNICATION:

English

OFFICIAL LANGUAGE:

German

FORMS AND DOCUMENTS:

[Bilingual English/German forms](#) 

PAYMENTS INFORMATION:

Austria no longer accepts child support payments by check. States should send wire payments.

Bank Account Details:

- **Name of Bank:** BAWAG P.S.K.
- **Address of Bank:** Georg-Coch-Platz 2, 1010 Vienna, AUSTRIA
- **Bank Branch:** Zentrale
- **Name of Account Holder:** Ministry of Justice
- **Address of Account Holder:** Museumstraße 7, 1070 Vienna, AUSTRIA
- **Account Number:** 5490000
- **SWIFT/ BIC Code:** BUNDATWW
- **IBAN Number:** AT100100000005490000

Contact Information for Payment Details:

- **Name of Contact Person:** Dr. Robert Fucik
- **Address:** Museumstraße 7, 1070 Vienna, AUSTRIA
- **Email Address:** robert.fucik@bmvr.dj.gv.at
- **Phone Number:** 011-43 1 52152 2731
- **Fax Number:** 011-43 1 52152 2829

[< Back to country list](#)

Translation of Documents - Incoming

- Incoming Application and related documents
 - Original language
 - Translation into English
- Communication with responding state child support agency
 - English
- State Central Registry review
 - Do not reject application if translation is missing
 - Use Acknowledgment in English to request missing documents.
 - Do not close case if requested Central Authority does not provide translated documents according to U.S. case processing timeframes. Convention allows at least 3 months.

Translation Costs

- Costs of translation borne by requesting State unless otherwise agreed by Central Authorities
 - Requesting State may charge applicant for translation, except if covered by system of legal assistance
 - Currently, most U.S. states do not pass cost of translation on to applicant in a Convention case
 - In U.S., FFP is available for translation costs
- Translation exception if requesting State cannot complete translation

Abstract of Order

- Summarizes key support terms of order
- Minimizes costs of translation
- Incoming cases to U.S.
 - 46 states will accept an abstract
 - CT, DE, IA, KS, MD, MO, NH, and SC require a complete text of the order
- Outgoing cases from U.S.
 - Only 5 countries indicate in Country Profile that they will accept an abstract
 - Estonia, Italy, Malta, Luxembourg, and Romania

A photograph of a courtroom interior. The room features extensive wood paneling on the walls and furniture. In the center background is a high, arched wooden bench for the judge. To the left of the bench stands an American flag, and to the right is a blue flag. Several rows of wooden benches for the audience are visible in the foreground and middle ground. A dark blue semi-transparent banner is overlaid across the lower portion of the image, containing the text "Evidentiary Issues" in white.

Evidentiary Issues

Transmission of Documentary Evidence

- **UIFSA**

Documentary evidence can be transmitted by telephone, telecopier, or other electronic means that do not provide original record

Cannot be excluded from evidence based on means of transmission

Sec. 316(e)

- **Hague Child Support Convention**

Application made through Central Authorities of Contracting States, and any document or information appended thereto or provided by a Central Authority, may not be challenged based only on medium or means of communication employed

Art. 13

Presence of Nonresident Party

- **UIFSA**

Physical presence of nonresident party not required

Sec. 316(a)

- **Hague Child Support Convention**

Physical presence of child or applicant not required

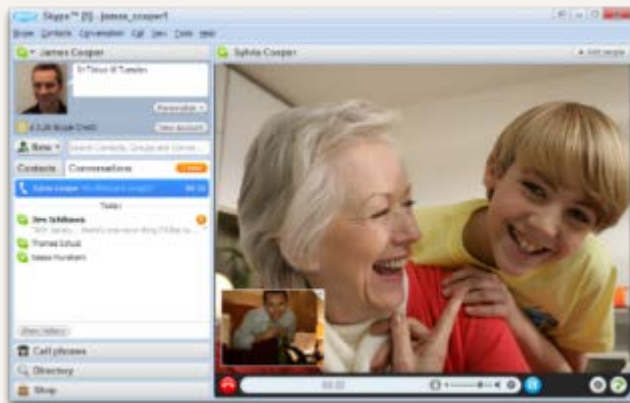
Art. 29

Means of Testifying

- **UIFSA**

Tribunal must permit a nonresident witness or party to testify by telephone, audiovisual means, or other electronic means

Sec. 316(f)



- **Hague Child Support Convention**

Silent

Coordination of International Hearings

- Request
- Role of Central Authority
- Time Zones
- Location
- Technology
- Verification of Witness
- Interpretation
- Admission of Documents
- License to Practice

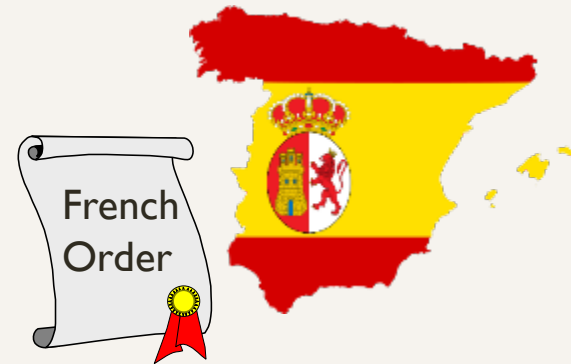
A world map with a large red circle and a white gavel icon overlaid on it, symbolizing enforcement issues. The map is a vintage-style world map with various countries and cities labeled. The red circle is centered over the Atlantic Ocean, and the white gavel icon is positioned diagonally across it. The map shows the Americas on the left, Europe and Africa in the center, and Asia and Australia on the right. The text "Enforcement Issues" is written in white on a dark blue rectangular background at the bottom of the map.

Enforcement Issues

Issuing Country – Recognition and Enforcement

If Convention application requests recognition and enforcement of order, Convention requires that issuing country be Contracting State

- Contracting State may seek recognition and enforcement of its own order; or
- Contracting State may seek recognition and enforcement of order issued by another Contracting State



Time Frame to Contest

- State and Non-Convention Support Orders
 - o Within [20] days after notice of registration
 - o UIFSA Section 605
- Hague Foreign Support Orders
 - o Not later than 30 days after notice of registration
 - o Not later than 60 days after notice if contesting party does not reside in U.S.
 - o UIFSA Section 707

Defenses – Section 708, UIFSA (2008)

Tribunal must recognize and enforce a registered Convention support order, unless respondent timely raises and proves:

- Recognition and enforcement of order is manifestly **incompatible with public policy**, including failure of issuing tribunal to observe minimum standards of due process
- Issuing tribunal **lacked personal jurisdiction** consistent with Section 201
- Order is **not enforceable** in issuing country
- Order was obtained by **procedural fraud**
- A record transmitted under Section 706 **lacks authenticity/integrity**
- **Pending proceeding filed first**

Defenses (cont'd)

- Order **incompatible with more recent support order**, which is entitled to recognition and enforcement
- Alleged **arrears have been paid**
- If default order, there was a **lack of due process** regarding notice and opportunity to be heard
- Order was made in **violation of Section 711** (limitation on modification jurisdiction)

Creditor-Based Orders

Question: If foreign order is based on creditor's habitual residence in issuing country, will U.S. tribunal recognize and enforce it?

- U.S. tribunal may recognize and enforce order if facts of case would also support basis of personal jurisdiction under U.S. law
- These bases of personal jurisdiction listed in UIFSA Section 201
- Service of process must also comply with U.S. due process requirements

Creditor-Based Orders (cont'd)

- On outgoing application to U.S. for recognition and enforcement of creditor-based order, **Convention country** should:
 - Check last tick box under section 7 of application, “Bases for recognition and enforcement (Article 20),”
 - List facts under U.S. law that would have conferred personal jurisdiction
- If case facts would not meet any UIFSA basis for jurisdiction, and would likely not withstand challenge from respondent, may be more efficient for creditor to apply for establishment

Administrative Enforcement without Registration

- **Question:** Our state policy is to enforce order administratively before registering with court. Should Hague cases be handled differently?
- **Response:** Yes. Administrative enforcement without registration – which is provided under Article 5 of UIFSA (Section 507) – is ***not applicable*** to Convention orders.
 - Application for recognition and enforcement of Convention order is governed by Article 7 of UIFSA
 - Requires registration
 - Allows tribunal opportunity to vacate registration on own motion



Modification Issues

Issuing Country – Modification

- Applicant in Convention country may request modification of order of any country:
 - Order issued by Convention country, or
 - Order issued by non-Convention country

HOWEVER . . .

- Any modification will be processed under law of requested State
 - In U.S., foreign support order issued by Convention country must be registered under Article 7 of UIFSA
 - In U.S., foreign support order issued by non-Convention foreign country must be registered under Article 6 of UIFSA
 - If requested State recognizes order as valid, it will then address modification request



Payment Processing

Outgoing Payments in Foreign Cases

- Payments must be sent to location directed by requesting Central Authority, such as:
 - Centralized location
 - Custodial parent or caretaker
 - Emancipated child
- Reference: 45 CFR 303.7(d)(6)(v)

Payment Methods

- Checks
 - At least four Convention countries/banks and one Foreign Reciprocating Country (FRC) are no longer processing U.S. dollar checks that state child support agencies send to them in international cases
 - Austria
 - Hungary
 - Netherlands
 - Slovakia
 - Switzerland (FRC)
- Wire payments
 - IM-18-10: Sending Wire Payments to Austria, Czech Republic, Slovakia, and Switzerland



Country Specific Payment Processing Information

Austria

ROUTINE COMMUNICATION:

English

OFFICIAL LANGUAGE:

German

FORMS AND DOCUMENTS:

[Bilingual English/German forms](#) 

PAYMENTS INFORMATION:

Austria no longer accepts child support payments by check. States should send wire payments.

Bank Account Details:

- **Name of Bank:** BAWAG P.S.K.
- **Address of Bank:** Georg-Coch-Platz 2, 1010 Vienna, AUSTRIA
- **Bank Branch:** Zentrale
- **Name of Account Holder:** Ministry of Justice
- **Address of Account Holder:** Museumstraße 7, 1070 Vienna, AUSTRIA
- **Account Number:** 5490000
- **SWIFT/ BIC Code:** BUNDATWW
- **IBAN Number:** AT100100000005490000

Contact Information for Payment Details:

- **Name of Contact Person:** Dr. Robert Fucik
- **Address:** Museumstraße 7, 1070 Vienna, AUSTRIA
- **Email Address:** robert.fucik@bmvr.dj.gv.at
- **Phone Number:** 011-43 1 52152 2731
- **Fax Number:** 011-43 1 52152 2829

[< Back to country list](#)



Currency Conversion

UIFSA Requirements

UIFSA Section	Responsible Party	Triggering Event	Conversion
Section 307(d)	Support enforcement agency	When requesting registration and enforcement of a support order stated in a foreign currency	Convert foreign currency amount into the equivalent U.S. dollars
Section 304(b)	Initiating state tribunal	When requested by a responding tribunal in a foreign country	Convert U.S. amount of support sought into the equivalent amount in the foreign currency
Section 305(f)	Responding state tribunal	When requested to enforce a support order or modify a support order stated in a foreign currency	Convert foreign currency amount into the equivalent U.S. dollars

Date to Use for Currency Conversion

- Federal policy, UIFSA, and Hague Child Support Convention are silent on:
 - Date to use for initial currency conversion
 - Date for ongoing currency conversion
 - Interval for doing payment reconciliation with issuing country
- States have various policies and practices regarding:
 - Date to use to convert the support amount
 - Date to use to register and convert arrears
- States also vary on whether and when they update these currency conversion rates and payment balances

Notice of Registration

- Include language on UIFSA registration statement regarding U.S. Dollar equivalent

- Example:

The amount of the alleged arrearage is 900 Euros as of [date on arrears statement] having a United States of America Dollar equivalence of \$1260 as of [date calculation made].

- Write out dates with name of month

Reconciliation of Payment Records

- Currency conversion does not modify original order
- States periodically update currency exchange rate
 - Set schedule, such as annually
 - Upon request of party
 - Time of next action on case
- Issuing state or country determines the “official” accounting

Questions for OCSE?

Email: ocseinternational@acf.hhs.gov

Web form: <https://ocse.service-now.com/wf/webform.do>



OFFICE OF CHILD SUPPORT ENFORCEMENT



Bundesamt
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German Perspective





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Germany's Central Authority



- Located in Bonn
- International cases only
- Cooperation with 130 countries in the world
- Child and spousal support
- Over 10,000 active cases...and still rising
- 10% with USA
- About 2,000 new cases each year



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Germany's International Instruments

Cross-border Recovery of Child Support



2007 Hague Convention



2009 EU Maintenance Regulation



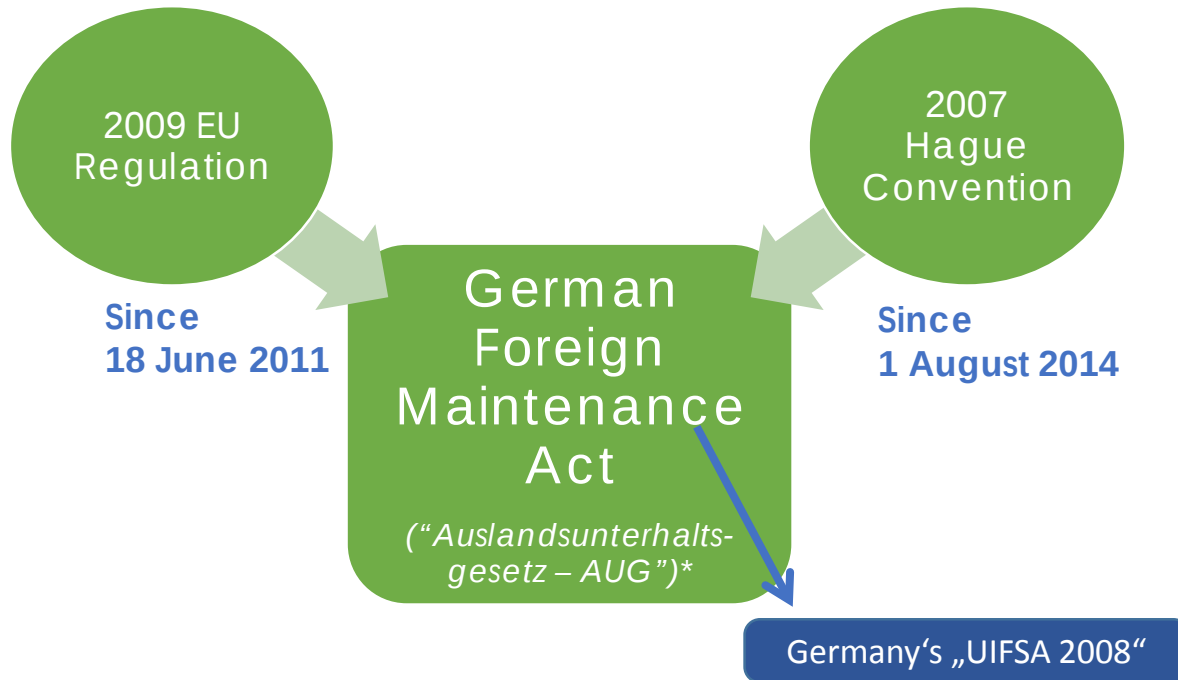
1956 New York UN Convention

Formal Reciprocity (Bilateral
Agreements)





German Domestic Legislation

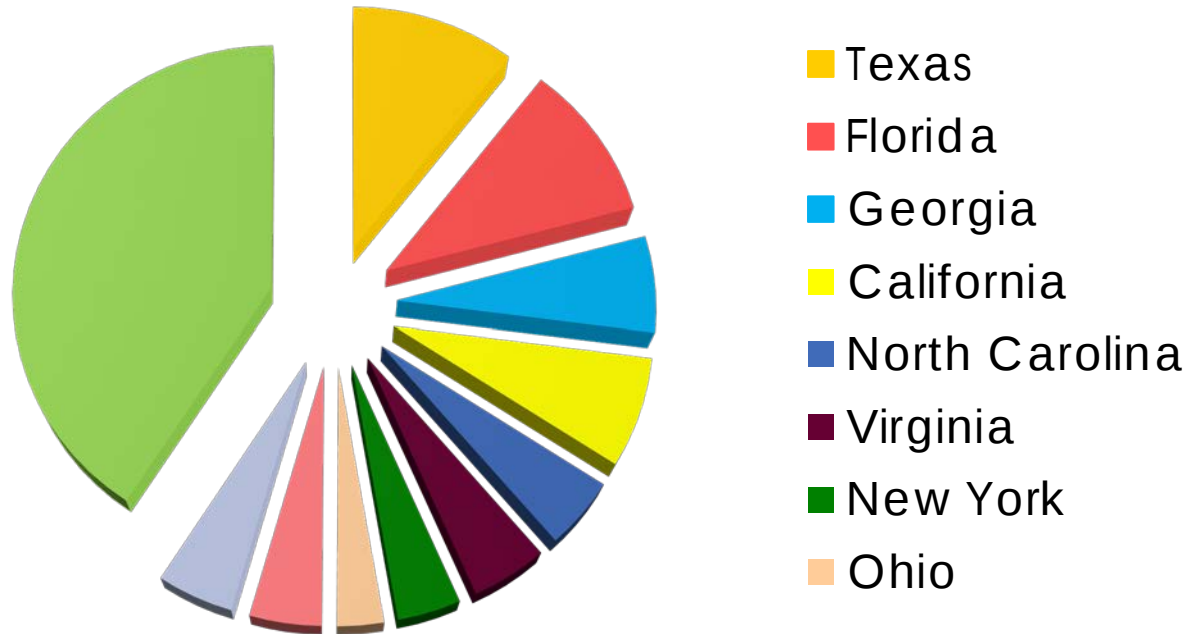


[*http://www.gesetze-im-internet.de/englisch_aug/index.html](http://www.gesetze-im-internet.de/englisch_aug/index.html)



Bundesamt
für Justiz

TOP 10 German-U.S. Cooperation



Further Outline

- What's new under Hague?
- New Application Types
- Language/Forms
- Payment Processing
- iSupport
- Forwarding cases under Hague
- Pending cases before 1st January 2017
- Cases with U.S. military personnel

What's new under Hague?

- **New International Partners**
- **New Domestic Legislation**
- **New Network of Central Authorities**
- **New Application Types**
- **New Forms**

New Application Types

➤ Modification of a Decision

Both the CP and the NCP can apply for
Modification of an existing order

➤ Requests for Specific Measures



Language / Forms

<https://www.acf.hhs.gov/css/resource/hague-child-support-convention-forms-by-country#german>

HAGUE COUNTRY	ROUTINE COMMUNICATION	LANGUAGES FOR FORMS AND DOCUMENTS	NOTES
Germany	English	German	

Hague Convention Forms in Other Languages

LANGUAGE	FORMS
Czech	- Application for Establishment of a Decision - Financial Circumstances Form - Application for Recognition or Recognition and Enforcement - Abstract of a Decision - Statement of Enforceability of a Decision - Statement of Proper Notice - Status of Application Report - Application for Enforcement of a Decision Made or Recognized in the Requested State - Application for Modification of a Decision
French	- Transmittal Form ↗ - Other recommended forms ↗
German	Bilingual English/German forms ↗



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Bilingual Forms (English-German)

https://www.bundesjustizamt.de/DE/Themen/Buergerdienste/AU/HUUE2007/Formulare/Formulare_node.html;sessionid=722C23E7E9650D5449267F61F53668D1.1_cid386#A4

SEITENVERZEICHNIS GEBÄRDENSPRACHE LEICHTE SPRACHE DEUTSCH ENGLISH

Bundesamt für Justiz

Suchbegriff

Themen Aktuelles Das BfJ Presse Links Kontakt

Bürgerdienste

- Auslandsunterhalt
- Aktuelles
- Häufige Fragen
- Albanien, Bosnien-Herzegowina, Brasilien, Montenegro, Norwegen, Türkei, Ukraine, Vereinigte Staaten von Amerika
- Haager Unterhaltsübereinkommen 2007
- Staatenliste
- Formulare
- Canada, Südafrika
- Mitgliedstaaten der Europäischen Union
- Vertragsstaaten des UN-Übereinkommens
- Rechtliche Grundlagen
- Publikationen
- Links

Dienstleistungen für Gerichte und Behörden

Ordnungsgeld- und Bußgeldverfahren, Zwangsvollstreckung

> Startseite > Themen > Bürgerdienste > Auslandsunterhalt > Albanien, Bosnien-Herzegowina, Brasilien, Montenegro > Formulare

Formulare zum Haager Unterhaltsübereinkommen 2007 (HUÜ 2007)

Für die Anträge nach Artikel 10 HUÜ 2007 können die von der Haager Konferenz für Internationales Privatrecht empfohlenen und veröffentlichten Formulare verwendet werden (Artikel 11 Absatz 4 HUÜ 2007).

- 1. Formulare zum Download in deutscher Fassung
- 2. Formulare zum Download in englischer Fassung
- 3. Formulare zum Download in französischer Fassung
- 4. Formulare zum Download in zweisprachiger Ausführung (deutsch-englisch)
- 5. Formulare zum Download in zweisprachiger Ausführung (deutsch-türkisch und deutsch-bosnisch)

1. Formulare zum Download in deutscher Fassung:

- 1. Antrag auf Anerkennung oder Anerkennung und Vollstreckung (PDF, 631KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe a, Artikel 10 Absatz 2 Buchstabe a, Artikel 30)
- 2. Vertrauliche Informationen zum Antragsteller (PDF, 519KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe a, Artikel 10 Absatz 2 Buchstabe a, Artikel 30)
- 3. Auszug aus der Entscheidung (PDF, 920KB, Datei ist barrierefrei/barnierearm)
(Artikel 25 Absatz 3 Buchstabe b)
- 4. Bescheinigung der Vollstreckbarkeit der Entscheidung (PDF, 519KB, Datei ist barrierefrei/barnierearm)
(Artikel 25 Absatz 1 Buchstabe b)
- 5. Bescheinigung der Zustellung (PDF, 536KB, Datei ist barrierefrei/barnierearm)
(Artikel 25 Absatz 1 Buchstabe c)
- 6. Antrag auf Vollstreckung einer im ersuchten Staat ergangenen oder anerkannten Entscheidung (PDF, 558KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe b)
- 7. Vertrauliche Informationen zum Antragsteller (PDF, 496KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe b)
- 8. Antrag auf Herbeiführung einer Entscheidung (PDF, 678KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe c, Artikel 10 Absatz 1 Buchstabe d)
- 9. Vertrauliche Informationen zum Antragsteller (PDF, 504KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe c, Artikel 10 Absatz 1 Buchstabe d)
- 10. Antrag auf Änderung einer Entscheidung (PDF, 607KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe e, Artikel 10 Absatz 1 Buchstabe f, Artikel 10 Absatz 2 Buchstabe b, Artikel 10 Absatz 2 Buchstabe c)
- 11. Vertrauliche Informationen zum Antragsteller (PDF, 524KB, Datei ist barrierefrei/barnierearm)
(Artikel 10 Absatz 1 Buchstabe e, Artikel 10 Absatz 1 Buchstabe f, Artikel 10 Absatz 2 Buchstabe b, Artikel 10 Absatz 2 Buchstabe c)
- 12. Formblatt über die finanziellen Verhältnisse (PDF, 891KB, Datei ist barrierefrei/barnierearm)

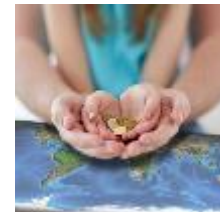


Mandatory Forms

- **Annex 1: Transmittal Form under Article 12(2) in cases forwarded to Germany**
- **Annex 2: Acknowledgement Form under Article 12(3) in incoming cases from Germany**
- **Language = English**
(no Bilingual Forms necessary, considered as routine communication)

Payment Processing - Checks

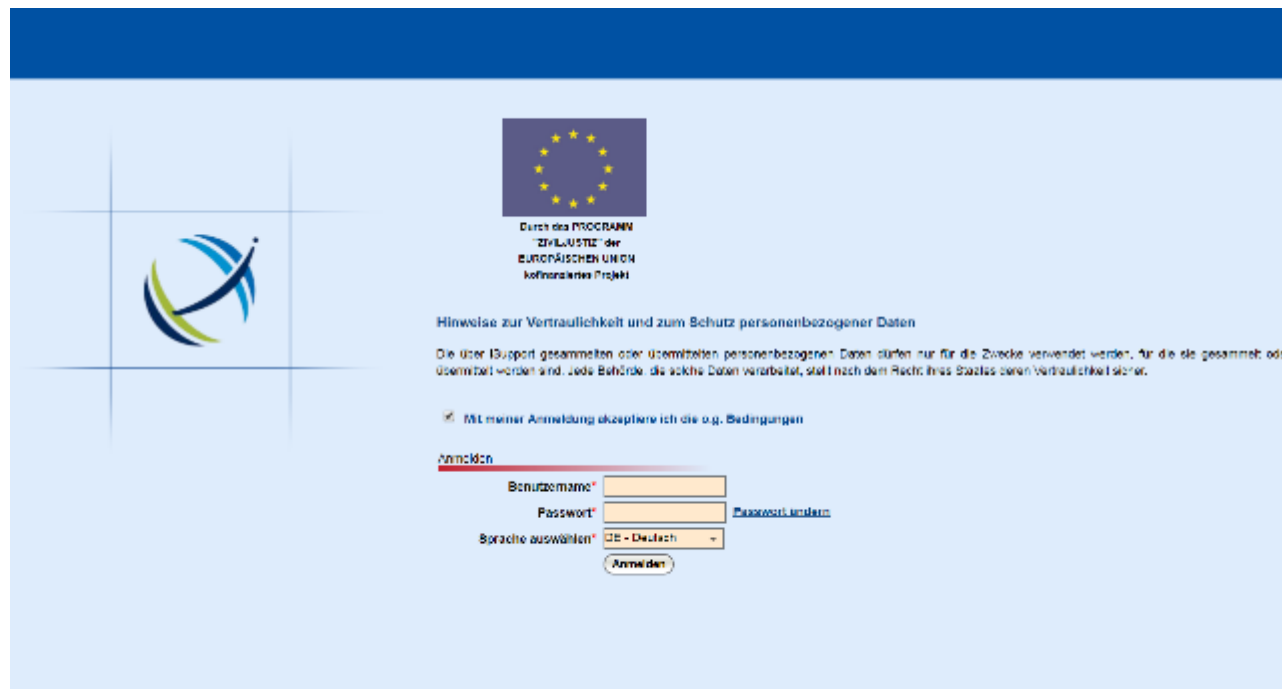
- At the moment Germany is still able to process U.S. dollar checks sent by the state child support agencies
- Currently around 700 checks in USD are processed monthly
- Alternative payment options in future?





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iSupport



The image shows the login page of the iSupport system. It features a blue header bar at the top. On the left side, there is a large, faint logo consisting of a stylized 'S' shape in blue and green. In the center, there is a small European Union flag with the text 'Durch das PROGRAMM "ZIVILJUSTIZ" der EUROPÄISCHEN UNION kofinanziertes Projekt' below it. Below the flag, there is a section titled 'Hinweise zur Vertraulichkeit und zum Schutz personenbezogener Daten' followed by a paragraph of text. A checkbox is checked, with the text 'Mit meiner Anmeldung akzeptiere ich die o.g. Bedingungen'. Below this, there is a section titled 'Anmelden' with a red underline. It contains three input fields: 'Benutzername*', 'Passwort*', and 'Sprache auswählen*'. The 'Sprache auswählen*' field is a dropdown menu showing 'DE - Deutsch'. To the right of the 'Passwort*' field, there is a link that says 'Passwort vergessen'. At the bottom of the login section, there is a button labeled 'Anmelden'.




Durch das PROGRAMM
"ZIVILJUSTIZ" der
EUROPÄISCHEN UNION
kofinanziertes Projekt

Hinweise zur Vertraulichkeit und zum Schutz personenbezogener Daten

Die über iSupport gesammelten oder übermittelten personenbezogenen Daten dürfen nur für die Zwecke verwendet werden, für die sie gesammelt oder übermittelt worden sind. Jede Behörde, die solche Daten verarbeitet, stellt nach dem Recht ihres Staates deren Vertraulichkeit sicher.

☒ Mit meiner Anmeldung akzeptiere ich die o.g. Bedingungen

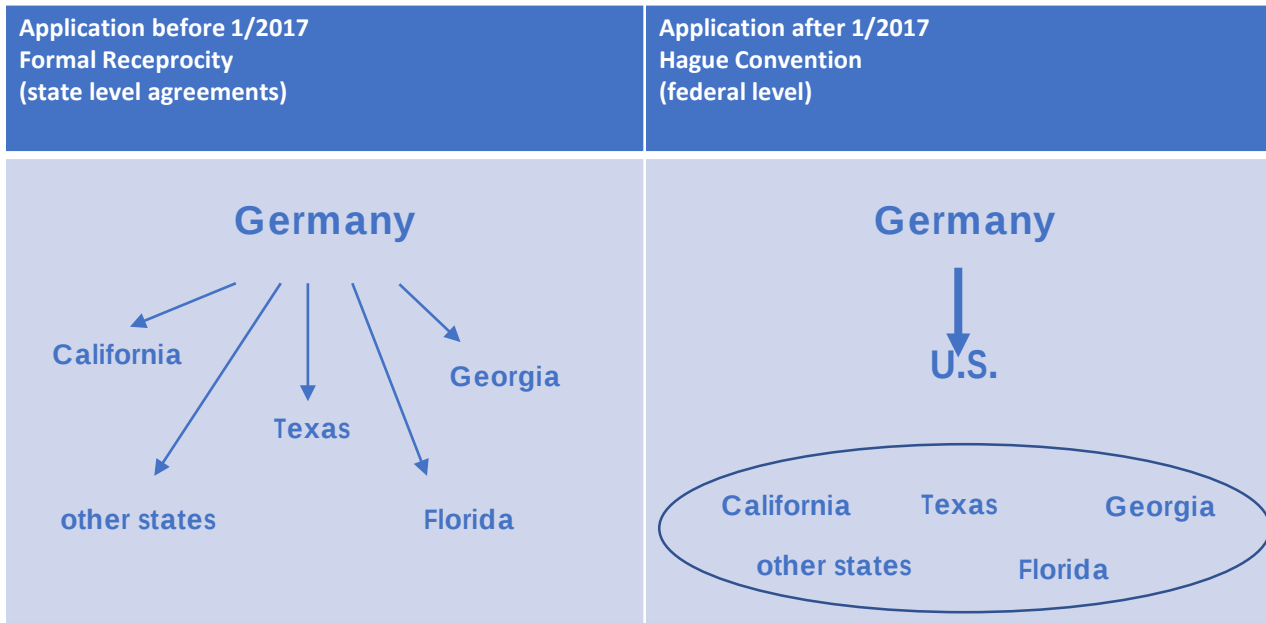
Anmelden

Benutzername*

Passwort* [Passwort vergessen](#)

Sprache auswählen*

Forwarding cases from state to state within the U.S.



<https://www.hcch.net/en/states/authorities/details3/?aid=1076>

Forwarding cases from state to state within the U.S.

-Sample Correspondence-

„Dear Sir or Madam,

Please find enclosed an application under the Hague Child Support Convention 2007.

.....

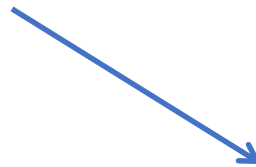
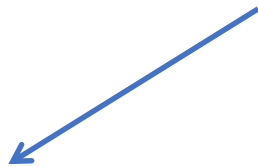
If NCP is located in a different U.S. state, please forward the forms and documentation in accordance with U.S. regulations, 45 CFR 303.7(d)(3) Provision of services in intergovernmental IV-D cases, to the central registry in the state where the NCP has been located and notify us where the case has been sent.”



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Pending Cases before 1st January 2017

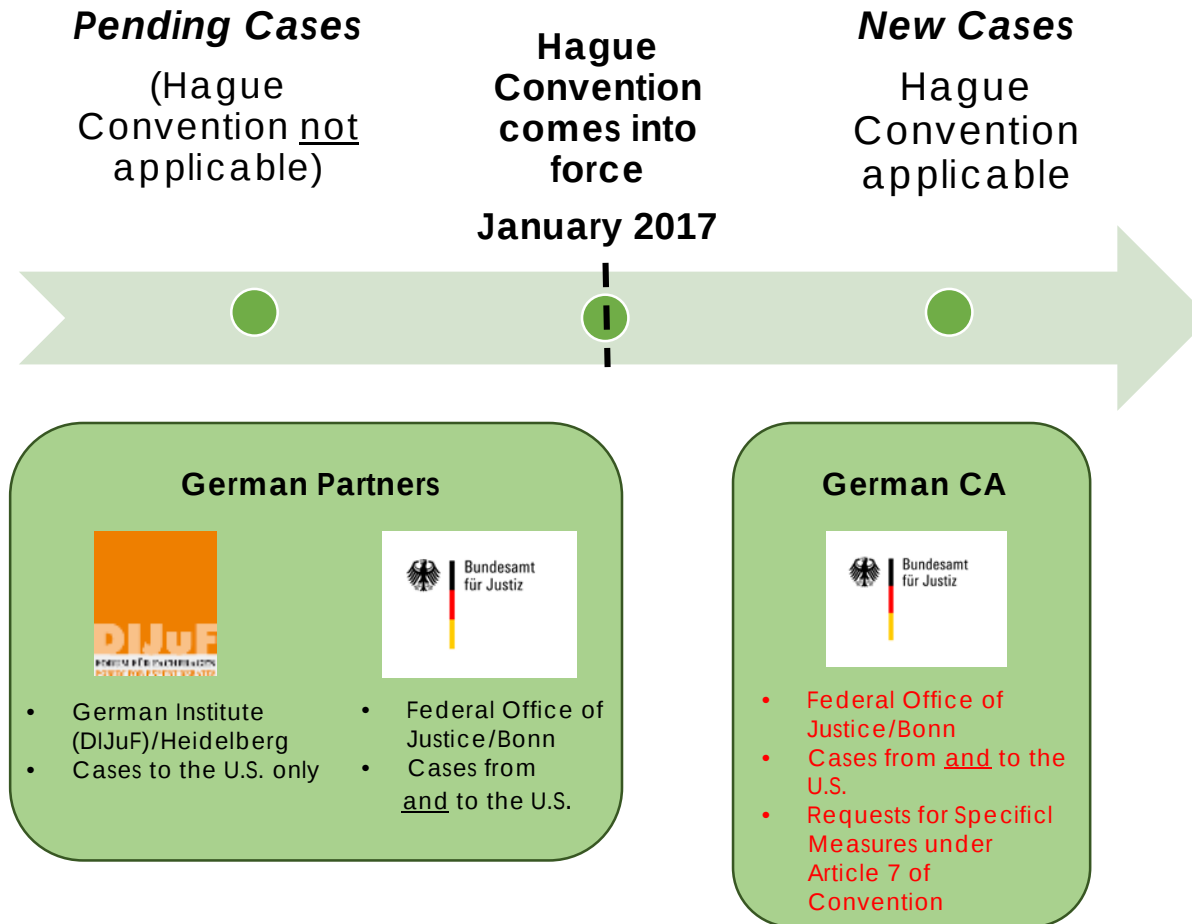
- Considerations -



Communication

Hague Convention
applicable

Communication through Central Authority (CA)



Pending Cases Communication

Transition period with Convention and non-Convention cases

In pending cases with the German Institute/Heidelberg:

**Communication through German Central Authority/
Bonn like in new cases under Hague Convention?**



Pending Cases

Hague Convention applicable?

- Pending U.S. non-Convention cases with underlying U.S. orders
- Hague Convention applicable if a major new action has to be taken
- Recognition and declaration of enforceability (Registration) = major new action
- Informal new application under the Hague Child Support Convention & Transmittal form (Annex 1)
- In the relevant cases following correspondence will be transmitted to respective U.S. Child Support Office:



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Pending Cases

Sample Correspondence

Dear Sir or Madam,

On 1st January 2017 the Hague Child Support Convention 2007 entered into force. Following up discussions with OCSE international cases with Germany should be handled under the Hague Child Support Convention 2007, if a major new action has to be taken.

In the above mentioned case we need to initiate court proceedings in order to obtain the recognition and declaration of enforceability of the underlying U.S. order (registration). The Hague Child Support Convention 2007 expedites the recognition and enforcement of U.S. support orders in German courts.

Therefore, please send us just the transmittal form (Annex 1) required by Art. 12 (2) Hague Convention 2007 (https://www.acf.hhs.gov/sites/default/files/programs/css/annex_1_transmittal_fillable.pdf) in English together with a short statement that an application under the Hague Convention is filed. We do NOT need a complete new package of documents on Hague Forms.

Thank you.



Cases involving military personnel

Germany Scenario 1:

- Incoming application (from U.S. to Germany) for establishment of paternity and/or child support
- NCP is in the military, based in Germany, sometimes, however, serving in third countries

Challenges: locate and service follows NATO Status of Forces Agreement

- Contact through respective Army Liaison Officer
- Service sometimes takes several months
- Before paternity and/or child support can be established NCP returns to the U.S. or is deployed to another country and the whole process has to restart again

Cases involving military personnel

Germany Scenario 2:

- Incoming application (from U.S. to Germany) for enforcement
- NCP is in Germany but still receives payments from the military (i.e. DFAS)

Challenges:

- Wage withholding under German jurisdiction?



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NEED HELP?

Don't hesitate to contact us:

Federal Office of Justice/Bundesamt für Justiz

**II 4 - Cross-border recovery of maintenance
53094 Bonn, GERMANY**

Tel.: +49 228 410 - 6434

Fax: +49 228 410 - 5202

E-Mail: auslandsunterhalt@bfj.bund.de

Internet: www.bundesjustizamt.de/EN