

Module 4

Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application

TRAINING NOTES

What you need to say/do

1. Display **PowerPoint Slide 4-1: International Case Processing under UIFSA 2008: Module 4** (title slide). After introducing the webinar course, display **PowerPoint Slide 4-2: Webinar Series**. Explain the targeted audience, the content of the webinar modules, and the webinar resources.
2. Display **PowerPoint Slide 4-3: Webinar Modules** as you explain the focus of each module.
3. Display **PowerPoint Slide 4-4: Module 4: Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application** (title slide).
4. Beginning with **PowerPoint Slide 4-5: Terms within Hague Child Support Convention**, follow the content of these Trainer Notes, displaying the appropriate PowerPoint slide.
5. In addition to trainer notes at the bottom of each PowerPoint slide, there is more background information in these Trainer Notes. You may use this information to supplement the slide content, based on the amount of training time you have.

What you need to know

1. It takes approximately 1.5 hours to complete this module.

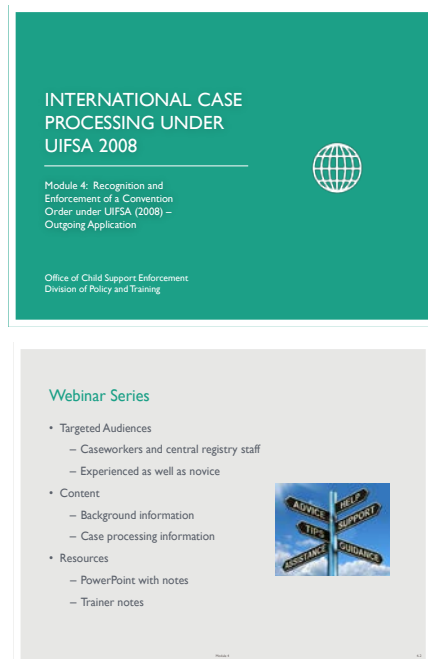
PowerPoint Slides:

- 4-1 through 4-102

Handouts:

- None

WEBINAR INTRODUCTION: INTERNATIONAL CASE PROCESSING UNDER UIFSA 2008



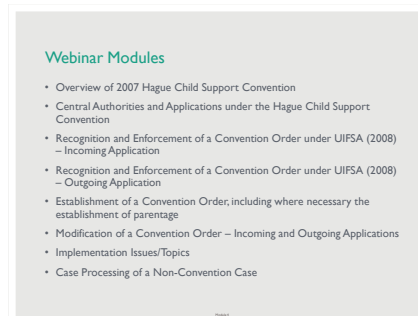
INTRODUCTION: TARGETED AUDIENCE

Welcome to the Webinar Series on International Case Processing under UIFSA 2008. Some people in the audience may have attended multiple conference workshops where speakers discussed the background of the Convention or presented an overview of UIFSA (2008). For others, this information will be brand new.

This webinar content is designed to cover both audiences.

The webinar resources for each module include the PowerPoint slides and notes, and an expanded set of trainer notes. These resources will be available on OCSE's website.

INTRODUCTION: OVERVIEW OF WEBINAR SERIES



The first two modules of the webinar series are overview modules. They provide background information about the Hague Child Support Convention so you will better understand the U.S. goals during treaty negotiations, the process used for negotiating an international treaty, and terminology in the Convention. They also discuss the scope of the Convention and services that a Central Authority must provide so that you will have a better idea of what to expect on **outgoing** cases to a Convention country.

Beginning with Module 3, the focus shifts to case processing. The most likely application under the Convention is an application to recognize and enforce a support order issued by a Convention country. For that reason, there is one module explaining the process and forms for incoming applications and a separate module, Module 4, explaining the process and forms for outgoing applications.

Module 5 examines incoming and outgoing applications for establishment of a support order, including establishment of parentage when necessary to obtain support.

Modules 6 and 7 examine incoming and outgoing applications for modification under the Convention.

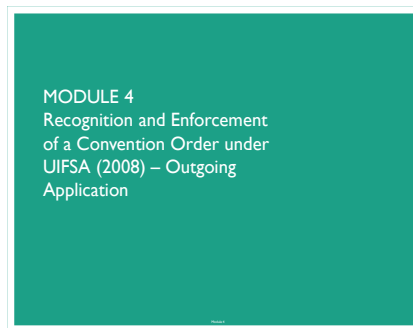
Module 8 addresses implementation issues and questions that have arisen.

Finally, in Module 9 the discussion turns toward processing international support cases from countries with bilateral reciprocity arrangements that are not Convention countries.

MODULE 4: RECOGNITION AND ENFORCEMENT OF A CONVENTION ORDER UNDER UIFSA (2008) – OUTGOING APPLICATION

Time: 1.5 hours

4.1 RECOGNITION AND ENFORCEMENT OF A CONVENTION ORDER UNDER UIFSA (2008) – OUTGOING APPLICATION



Today we are presenting Module 4, which focuses on an outgoing application requesting recognition and enforcement of a support order, from the United States to a Convention country. We will discuss your role as the requesting Central Authority transmitting the application. We will also discuss the role of the requested Central Authority in the Convention country and the process under the Convention for recognition and enforcement of the order.

4.2 TERMS WITHIN HAGUE CHILD SUPPORT CONVENTION

Terms within Hague Child Support Convention		
Convention Terms	=	U.S. Equivalent
• Creditor		• Oblige
• Debtor		• Obligor
• State		• Country
• Maintenance		• Support
• Requesting State		• Initiating state
• Requested State		• Responding state
• Recognition and Enforcement of a Decision		• Recognition and Enforcement of Registered Order
• Maintenance Arrangement		• Foreign Support Agreement

Because the Convention applies to countries with various legal systems, it includes terminology that differs from the terms we use in the United States. This slide “converts”

Convention terms to their equivalent U.S. terms. Modules 1 and 2 explained the terms, and we will not review them again. However, if there are new participants to today's webinar, please check the Trainer Notes for Module 1 or 2 for an explanation of each term on the slide.

[Note to Trainer – The following information is provided in the Trainer Notes for Modules 1 and 2: When the Convention refers to a creditor, it is referring to the individual entitled to receive support – the person in the U.S. that most states would refer to as the obligee or custodial parent. In some cases, the creditor may be a public body. When the Convention refers to a debtor, it is referring to the individual responsible for payment of support. In the United States, most states use the term obligor or noncustodial parent.

Probably the most confusing term to us in the United States is the Convention's use of the word "State." This is State with a capital "S" and means a country. A Contracting State is a country that has ratified or approved the Convention. In the United States we often refer to that country as a Convention country.

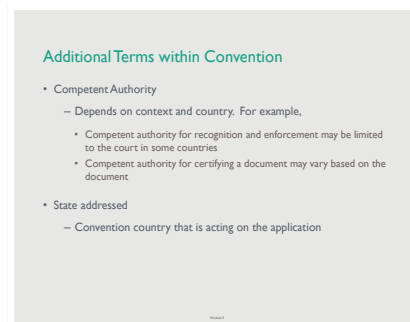
The Convention uses the term "maintenance" whereas in the United States we use the term "support."

When the Convention refers to a "requesting State," it is referring to the Contracting State (i.e., country) that is requesting services from another Contracting State. The Convention country receiving and responding to the request is called the "requested State." As you can tell, the equivalent terminology in UIFSA is an initiating state and a responding state.

For the most part, in implementing the Hague Child Support Convention, UIFSA (2008) uses words that are familiar to child support agencies. For example, the process that the Convention outlines for recognition and enforcement of a support decision is equivalent to the process in Article 7 for recognition and enforcement of a registered support order. However, there are a few additional definitions in Article 7 based on the Convention. Earlier, we discussed the

definitions of Central Authority and direct request to a tribunal. Another new definition is the term “foreign support agreement.” The drafters of UIFSA were trying to rephrase the definition in the Convention for “maintenance arrangement,” using words more familiar to the United States. A “foreign support agreement” is an agreement for support in a record that is enforceable as a support order in the country of origin and has been authenticated by, registered, or filed with a foreign tribunal, and may be reviewed and modified by a foreign tribunal. It is not the same thing as a U.S. separation agreement, which is enforceable as a contract. Section 710 of UIFSA discusses the process for recognition and enforcement of a registered foreign support agreement.]

4.3 ADDITIONAL TERMS WITHIN CONVENTION



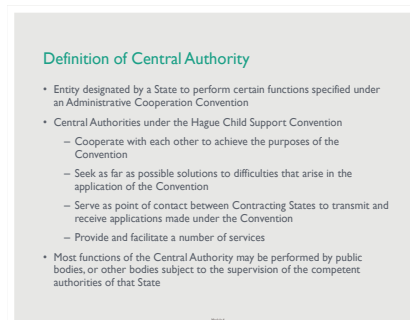
There are two additional terms we will use during this presentation.

The Convention often refers to the “competent authority.” There is no definition within the Convention because the identity of the competent authority will vary among Convention countries. It also depends upon the context of the action. For example, the Convention requires the competent authority in the requested state to declare without delay whether a decision registered for recognition and enforcement is in fact enforceable. Depending upon the country, the competent authority might be the court, an administrative agency, or both. Another provision within the Convention provides that if there is a challenge to a document submitted for recognition and enforcement, a complete copy of the document concerned, certified by the competent authority in the State of origin, must be provided promptly. It will be up to the State of origin to

determine the competent authority for certifying the requested document. Within the United States, identification of the competent authority for various actions will likely vary among the individual states.

Some of the slides in this module refer to the State addressed. The term means the same thing as the requested State and refers to the country that is acting on the Convention application. In the U.S., we sometimes use the phrase “forum state.” In UIFSA, the corresponding term in an interstate case is “responding state.”

4.4 DEFINITION OF CENTRAL AUTHORITY

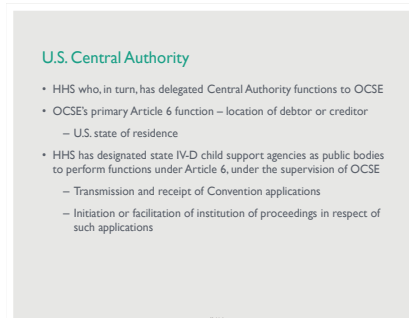


Each Administrative Cooperation Convention negotiated by the Hague Conference on Private International Law requires a Contracting State to designate a Central Authority. The Central Authority is an agency or organization that is designated to play a key role in the implementation and operation of the international treaty.

Article 5 of the Hague Child Support Convention lays out general functions of Central Authorities: they must cooperate with each other to achieve the Convention’s purposes and they must try to resolve as much as possible any difficulties that arise in the implementation of the Convention. Article 6 of the Convention lists specific functions of a Central Authority. For example, the Central Authority must both transmit and receive applications. Other Convention provisions place additional mandatory obligations on the Central Authority. These obligations emphasize the need for international cooperation among Contracting States (countries that are parties to the Convention).

The functions of the Central Authority may be performed by public bodies, or other bodies subject to the supervision of the competent authorities of the Contracting State. That means that countries will vary regarding what entity serves as the Central Authority. However, each Convention country is required to keep the Permanent Bureau informed of the identity of its Central Authority. That information is accessible from the Child Support Section of the Hague website; in the right hand column, click on the word “Authorities.” A Contracting State also identifies its Central Authority in the Country Profile that we discussed in Module 1.

4.5 U.S. CENTRAL AUTHORITY



In the United States, the Central Authority is the Department of Health and Human Services, with authority in the Secretary to perform the lawful acts necessary to execute the functions of the Central Authority. See Section 459A of the Social Security Act (42 U.S.C. § 659a) and [Executive Order 13752](#) of December 8, 2016, published in 81 Fed. Reg. 90,181 (Dec. 13, 2016). The Secretary has delegated the responsibilities of the Central Authority to OCSE.

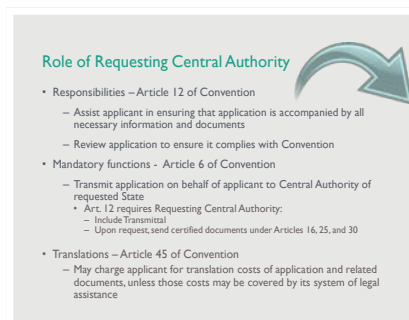
Article 6 of the Hague Convention lists two specific functions of Central Authorities:

- (1) They must transmit and receive applications under Chapter III. We will discuss those applications in a bit.
- (2) They must initiate or facilitate the institution of proceedings in respect of such applications.

Article 6 also requires the Central Authority to take all appropriate measures with regard to those applications. The U.S. delegation played a major role in ensuring that the list of measures is comprehensive. One of the specific measures is helping to locate the debtor or creditor. As it does now, OCSE will use the FPLS to assist Convention countries when they do not know the U.S. state in which the creditor or debtor resides. However, the information OCSE returns to the Convention country is the state of residence. It will not provide residential or employment address information.

The Executive Order specifically authorizes the designation of IV-D agencies as public bodies authorized to perform specific functions in relation to applications under the Convention. Consistent with that authorization, on December 29, 2016, HHS formally designated state IV-D agencies as public bodies to perform functions related to applications under the Convention in accordance with UIFSA 2008, Title IV-D of the Social Security Act and implementing federal regulations, and OCSE guidance and instructions. See [82 Fed. Reg. 850](#) (Jan. 4, 2017). That means that applications for Convention cases will continue to be received and transmitted at the state level. And state child support agencies will be responsible for initiating the appropriate proceedings in relation to those applications. State child support agencies perform these specific Convention functions subject to the supervision of OCSE.

4.6 ROLE OF REQUESTING CENTRAL AUTHORITY



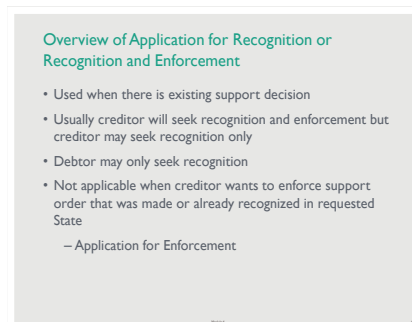
The Convention outlines a number of responsibilities that the requesting Central Authority has when transmitting applications to a Convention country. This slide summarizes those responsibilities.

In its role in the U.S. as a requesting Central Authority, a IV-D agency must help the petitioner complete the application and ensure that the Convention application includes all the necessary information and documents. The Country Profile is an excellent resource for identifying forms and information needed by the requested State. For example, in an establishment case, the requested State may require that hospital or other birth records be certified, or may require proof of the marriage of the parents. The IV-D agency must also review the application to ensure it complies with the Convention. State child support agencies need to decide who will be conducting that review. Will it be at the local level or centralized with a unit that focuses on Convention cases? Child support agencies should also develop procedures regarding the review. Note that this review is limited to compliance with the Convention; it is not a determination about the merits of the application.

Once it is satisfied that the application complies with the requirements of the Convention, the requesting Central Authority (the IV-D agency in the U.S.) must transmit the application on behalf of the applicant to the Convention country. The application must include a transmittal form – one of two mandatory forms under the Convention. There is no need to include certified documents unless the requested Contracting State asks for them.

Article 45 of the Convention, which addresses translation, authorizes the requesting Central Authority to charge an applicant translation costs unless those costs are covered by the country's system of legal assistance. That means that IV-D agencies should apply federal regulations regarding recovery of costs related to translation of documents. We will briefly discuss translation requirements again later in this presentation but will wait until Module 7 of the webinar for a more in-depth examination of translation issues.

4.7 OVERVIEW OF APPLICATION FOR RECOGNITION OR RECOGNITION AND ENFORCEMENT

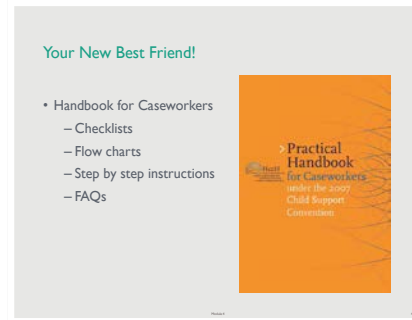


An application for recognition or recognition and enforcement is appropriate when there is an existing support order. In the majority of cases, the creditor (or obligee) will seek recognition and enforcement of the order. However, the Convention – and UIFSA – allow a creditor to seek recognition only. That may occur if the creditor is currently satisfied with the debtor’s payment but wants to have the order registered in case enforcement is later needed. A debtor (or obligor) may also request recognition of a Convention support order in order to suspend or limit the enforcement of an existing support order in the requested State. This is most likely to occur when the debtor wants the requested State to recognize an order modifying an existing support order in the requested State.¹

If the requested State issued its own support order, or has already recognized a Convention order, and that’s the order the creditor wants to enforce, then the creditor needs to file a different application. In that case, the creditor would file an Application for Enforcement of a Decision Made or Recognised in the Requested State. There is no need to request recognition.

¹ See Para. 268 of the Explanatory Report, Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance [hereinafter Explanatory Report].

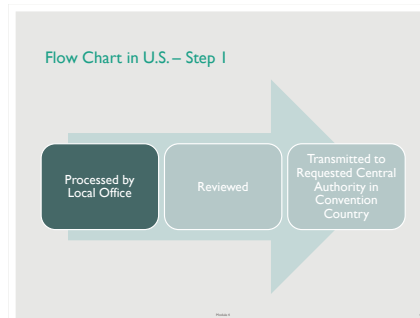
4.8 HANDBOOK FOR CASEWORKERS ON PROCESSING CONVENTION CASES



In Module 1 we explained how to reach Convention resources published by the Hague Conference on Private International Law. First, go to its website at www.hcch.net. There are two official languages used by the Hague Conference: English and French. For resources in English, click on the word “English.” That takes you to a page containing a list of topics for which the Hague Conference has developed Conventions. Click on “Child Support” in order to reach all the resources related to the Hague Child Support Convention.

Included on that Child Support page is a wonderful resource for child support caseworkers and lawyers. In fact, its title is the Practical Handbook for Caseworkers! It was written by Hannah Roots, a child support attorney in British Columbia who often speaks at U.S. child support conferences. The handbook contains detailed information about processing each application under the Hague Child Support Convention. Chapters discuss incoming and outgoing applications, and include flow charts, instructions on how to complete Convention forms, and responses to frequently asked questions.

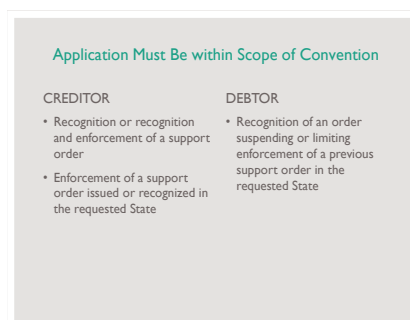
4.9 FLOW CHART IN U.S. – STEP ONE



In the United States, Convention cases will continue to be processed at the local level. OCSE will not be involved in the transmission of applications.

States are governed by Section 307 of UIFSA, which outlines the duties of the support enforcement agency. The focus of subsection (a) is on providing services to the petitioner. Regardless of whether your state enacted Alternative A or B, you are required to provide IV-D services to a petitioner residing in a U.S. state. If the petitioner seeks support from a respondent living in a Convention country or having assets in a Convention country, you will be transmitting an application under Article 7 of UIFSA (2008). This is the new Article that implements the Convention in the United States. You may also be assisting a debtor who wants a Convention country to recognize an existing order.

4.9.1 Application Must Be within Scope of Convention



The first step the agency should take is ensuring that the application request is within the scope of the Convention.

Applications available through a Central Authority are listed in Article 12 of the Convention. In the United States, we implemented this Article in Section 704 of UIFSA (2008).

Under the Convention the following enforcement applications are available to a creditor:

- Recognition or recognition and enforcement of a support order, and
- Enforcement of a support order issued, or already recognized, in the requested State.

Under the Convention the following enforcement application is available to a debtor:

- Recognition of an order suspending or limiting enforcement of a previous support order in the requested State.

If the petitioner wants recognition and enforcement of a custody order that includes support terms, the only aspects of the order that are appropriate for recognition and enforcement under the Convention are the support terms.

4.9.2 Order Must Be Issued by Contracting State



The agency must also make sure that the support order the petitioner wants recognized and enforced was issued by a Contracting State.

As we discussed in Modules 2 and 3, an applicant may use the Convention's procedures for recognition and enforcement of an order only if a Contracting State issued that order. The most common example is when a U.S. state will request recognition and enforcement of an order it issued. For example, New York requesting

recognition and enforcement of a New York support order. However, another example is illustrated by the second depicted order. In this case New York is not requesting recognition and enforcement of its own order but of an order issued by France, a different Contracting State. The creditor living in the United States can request recognition and enforcement of the decision made in France since France is also a Contracting State.²

4.9.3 Required Documents Must Be Included with Application



If the local office determines a Convention application for recognition and enforcement is appropriate, the next step is to make sure the agency has all the documents that must be included with the application.

Every Convention application must include a Transmittal form using the required Convention form. An Application for Recognition and Enforcement must include additional documents. These documents are listed in Article 25 of the Convention.

Although the Transmittal is a mandatory Convention form that all Convention countries must use, countries can decide what form they want a creditor to use for the other required documents. Each country specifies the forms it requires for recognition and enforcement within its responses to the Country Profile. As discussed during Modules 1 and 2, the Country Profile is maintained on the Child Support section of the Hague Conference website. It is the resource that most Contracting States use to inform the Permanent Bureau and other Convention countries of their child support laws and procedures. In reviewing the Country Profiles listed on the Hague Conference website,

² See Para. 240 of the Explanatory Report.

it appears that almost all of the countries want applicants to use the recommended Convention forms that were developed by the Convention Forms Working Group for use with an Application for Recognition and Enforcement.

4.10 REQUIRED DOCUMENTS

Outgoing Application for Recognition and Enforcement of Contracting State Order – Documents		
Required by Convention Article 25	When Used	Form/Document Used
Transmittal	Always	Convention Transmittal (required form)
Application	<ul style="list-style-type: none">• Always• If risk of harm	<ul style="list-style-type: none">• Convention Application• Convention Restricted Information on the Applicant
Complete text of order	Always unless requested State allows an abstract or extract of order	Order itself or Abstract/Extract, if acceptable <ul style="list-style-type: none">• Requested State can require certified order

This slide and the next one identify the documents required by Article 25 of the Convention. The first column lists the document. The second column explains when the document is used. And the third column identifies the applicable Convention form or document. That is the form to send unless the country has identified an alternative preferred form in its Country Profile. If there is no standardized Convention form, you may use a domestic form to provide the information, unless the country has identified an alternative preferred form.

As we will discuss, Article 25 allows a country to specify certain document requirements. Although a country must tell the Permanent Bureau, at the time of its treaty ratification, what reservations or declarations it is making, there is no similar requirement that it tell the Permanent Bureau about its special document requirements. However, many countries have done so. The best resource for learning a country's document requirements is the Country Profile. Another resource is the Status Table on the Child Support page of the Hague Conference website. The Status Table lists all the countries that have ratified or acceded to the Convention, as well as the country's reservations, declarations, and notifications. Often the notifications include special document requirements.

In a minute, we will go over the forms listed in the chart. For now, note that you are required to include the complete text of the order, unless the requested State has indicated it will accept an abstract or extract. As just explained, the Country Profile and the Status Table are the best resources to learn whether a country will accept an abstract. When you send the text of the order, it can be in electronic form. There is no requirement to initially include a **certified** copy of the support order. The exception is if the contracting State has specified that a complete copy of the decision certified by the competent authority in the State of origin must accompany the application. Again, that would be noted in the Country Profile and may be highlighted in the Status Table.

Outgoing Application for Recognition and Enforcement of Contracting State Order – Documents (cont'd)		
Required by Convention Article 25	When Used	Form/Document Used
Document stating order is enforceable in issuing country	Always	Convention Statement of Enforceability
Document stating requirements of Art. 19(3) are met: <ul style="list-style-type: none">• Decisions are subject to appeal or review by judicial authority• Decisions have similar force and effect to judicial decisions	U.S. never needs to send because our Country Profile specifies that decisions of our administrative authorities always meet Art. 19(3) requirements	Domestic form

The only documents the Convention requires with every application for Recognition and Enforcement of an Order are the Transmittal, the Application, and a document stating the order is enforceable in the issuing country. The remaining documents listed in the chart have to be produced only if necessary, depending on the circumstances.

If the order was issued by an administrative authority, the Convention requires a document stating that the administrative decision was subject to appeal or review by a judicial authority and that the decision has the same effect as a judicial decision. There are two exceptions. One is if the requested State has indicated it does not require such a document. The other exception is if the issuing country has specified that all of its administrative child support orders meet those requirements. The U.S. has so specified in its Country Profile. ***That means if you are in a state that issues support orders administratively, you do not have to send a document saying your decisions meet Article 19(3) requirements.***

Module 4: Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application

Outgoing Application for Recognition and Enforcement of Contracting State Order – Documents (cont'd)

Required by Convention Article 25	When Used	Form/Document Used
Document attesting to proper notice and opportunity to be heard	Always if respondent did not appear and was not represented	Convention Statement of Proper Notice
Document of arrears	Always if there are any	Domestic document showing amount and date calculated
Document showing req't for automatic adjustment and explaining how to adjust or index support amount	Always if order provides for automatic adjustment by indexation	Domestic document

If you are seeking enforcement of arrears, there is no recommended Convention form or format to use for the record of arrears. Check the Country Profile to see if the requested State has a preferred form. If not, whatever document you send should show the amount of arrears and the date the amount was calculated.

If a support order is supposed to be indexed automatically or adjusted on a specified frequency – for example, the order includes a Cost of Living Adjustment -- you should provide details in the application package about how to do the adjustment. For example, if the adjustment is to be made using a cost of living percentage, you should provide details about whether your state will be calculating the adjustment or asking the requested State to do so, information about how the adjustment is calculated, and – if your state is doing the adjustment -- information about how the recalculated amount of support will be communicated to the requested Central Authority and the parties. According to the Explanatory Report of the Convention, the information does not have to be in a formal document. Any informal document, such as an e-mail or a fax, may suffice.³ The Explanatory Report also notes that any subsequent decision that adjusts the support amount does not have to go through the full recognition process. The initial recognition contemplates the future adjustments.⁴

³ Para. 536 of the Explanatory Report.

⁴ See Para.435 of the Explanatory Report. According to the Practical Handbook, “What this means is that any subsequent decision that adjusts the maintenance does not need to go through the full recognition process. The initial recognition contemplates the future adjustments.” Hague Conference on Private International Law, Practical Handbook for Caseworkers under the 2007 Hague Child Support Convention (2013) (hereinafter Practical Handbook), p. 100, fn. 88.

Outgoing Application for Recognition and Enforcement of Contracting State Order – Documents (cont'd)

Required by Convention Article 25	When Used	Form/Document Used
Documentation showing extent to which applicant received free legal assistance in State of origin	If requested State requires, pursuant to Art. 17 of Convention	Domestic document
Information about debtor	Always	Convention Financial Circumstances form (for application by creditor; complete sections related to income and assets of debtor. Do not complete sections related to creditor.)

The Convention defines legal assistance broadly as the assistance necessary to enable applicants to know and assert their rights and to ensure that applications are fully and effectively dealt with in the requested State. The means of providing such assistance will vary depending on a country's system.⁵ A requested State must provide free legal assistance, if needed, for an application by a creditor concerning a child below the age of 21.⁶ Free legal assistance for some creditor applications may be subject to a merit test under the Convention. However, a creditor's application for recognition or recognition and enforcement may never be subject to a merit test. ***That means you do not need to provide documentation about legal assistance when assisting a creditor with seeking recognition and enforcement of a child support order for current support if the child is below age 21.***

However, under Article 17 of the Convention, for other applications, a Contracting State may make the provision of free legal assistance subject to a means or a merit test.⁷ The categories of applications within the scope of Article 17 include:

- An application for the support of a child who is over age 21;
- An application for child support, or an appeal, by a person who is refused free legal assistance under Articles 15(2) or 16(1);
- An application by a debtor; and
- An application for establishment or modification of spousal support, whether or not made in conjunction with an application for child support.

⁵ See Art. 3 of the Hague Child Support Convention and Para. 69 of the Explanatory Report.

⁶ See Art. 15 of the Hague Child Support Convention and Para. 381 of the Explanatory Report.

⁷ See Para. 384, 386, and 402 of the Explanatory Report.

The exception is if the applicant benefited from free legal assistance in his or her State of origin. Then the applicant is entitled to at least the same level of free legal assistance as provided for by the law of the requested State under the same circumstances. In other words, the requested State doesn't have to change its laws and provide free legal assistance.⁸ But the applicant should at least be treated the same as a local resident would under the same circumstances. The documentation noted on the chart is what would be needed in that situation. There is no recommended Hague Convention form. So, if you are assisting a debtor with an application for recognition of a support order, you will need to send a letter or some other document explaining if your agency provides free legal assistance to recipients of IV-D services.⁹

The financial circumstances of the debtor/obligor are always required when you file an Application for Recognition and Enforcement. We will discuss the Financial Circumstances form in a few minutes.

4.10.1 Transmittal – Required Form

Transmittal – Required Form – Page I

ANNEX I Transmittal form under Article 12(2)	
CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE Any information gathered in connection with this Convention shall be used only for the purposes for which it was gathered or transmitted. Any authority processing such data shall ensure its confidentiality, its security and the use of its data. Any authority shall not disclose or transfer information gathered or transmitted in application of this Convention (the Convention) that so do so could jeopardize the health, safety or liberty of a person to whom the information was given or to whom it is transmitted.	
<input type="checkbox"/> A determination of transmittal has been made by a Central Authority in accordance with Article 10.	
1. Requesting Central Authority	2. Central Authority in requested State
a. Address	a. Address (if different)
b. Telephone number	b. Telephone number (if different)
c. Fax number	c. Fax number (if different)
d. E-mail	d. E-mail (if different)
e. Reference number	e. Language

Every Application for Recognition and Enforcement must be accompanied by the Convention Transmittal form. The form identifies the parties and the type of application. It also indicates the documents that accompany the application. It is very similar to the Child Support Enforcement Transmittal #1 that we use in the United States in intergovernmental cases.

⁸ See Para. 411 of the Explanatory Report.

⁹ According to Para. 408 of the Explanatory Report, “When read in conjunction with Article 15, it is evident that Article 17 b) is only relevant to child support cases when an application is made by a debtor for recognition of a child support decision.”

The Preamble to the Transmittal recognizes that there are situations where the release of any personal information could jeopardize the health, safety or liberty of a person. If your agency, as the requesting Central Authority, has determined that this case presents such a risk, you should check the tick box indicating a determination of non-disclosure has been made.

Sections 1 and 2 provide information about the requesting Central Authority and the person who should be contacted if the requested State has any follow-up questions. For the address of the requesting Central Authority, use the address of the local agency working the case. Presumably that will also be the address of the contact person so there would be no need to add an address in Section 2.

Transmittal – Page 1 (cont'd)

3. Requested Central Authority: _____
Address _____

4. Particulars of the applicant

a. Family name(s): _____

b. Given name(s): _____

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

or

d. Name of the public body: _____

Section 3 is self-explanatory. You can find the address of the requested Central Authority in the country's Country Profile. Because not all countries have completed a Country Profile, you can also find the Central Authority's address by clicking on the word "Authorities" on the right-hand column of the Child Support page of the Hague Conference website.

Section 4 requests the name and date of birth of the applicant. In an application for both recognition and enforcement of a child support order, the individual applicant may be the person for whom support is sought or payable, such as a parent of a child, or the child. In the United States, we usually refer to that person as the obligee. The applicant may be the legal representative of the person for whom support is sought or payable. A public body may also be the applicant where the public body is providing assistance in lieu of maintenance.

Transmittal – Page 2

5. Particulars of the person(s) for whom maintenance is sought or payable

☐ The person is the same as the applicant named in point 4

a. ☐ Family name(s) _____
Given name(s) _____
Date of birth _____ (dd/mm/yyyy)

b. ☐ Family name(s) _____
Given name(s) _____
Date of birth _____ (dd/mm/yyyy)

c. ☐ Family name(s) _____
Given name(s) _____
Date of birth _____ (dd/mm/yyyy)

6. Particulars of the debtor¹

☐ The person is the same as the applicant named in point 4

a. ☐ Family name(s) _____
Given name(s) _____
Date of birth _____ (dd/mm/yyyy)

Section 5 requests information about the person for whom support is sought or payable. This person may be the same individual as the applicant. For example, an applicant who is seeking enforcement of spousal support. However, if you list the custodial party's name as the applicant and you want recognition and enforcement of a child support order, in Section 5 you would provide the names and dates of birth of the children who benefit from the support order. The Transmittal provides space for the names of three children.

In Section 6, you should provide details about the debtor. As you can tell, this is basic information. More information about the debtor will be included in the application form and in the Financial Circumstances Form.

Transmittal – Page 2 (cont'd)

7. This transmittal form concerns and is accompanied by an application under:

☐ Article 10(1) a)
☐ Article 10(1) b)
☐ Article 10(1) c)
☐ Article 10(1) d)
☐ Article 10(1) e)
☐ Article 10(1) f)
☐ Article 10(2) a)
☐ Article 10(2) b)
☐ Article 10(2) c)

8. The following documents are appended to the application:

a. For the purpose of an application under Article 10(1) a), and:
In accordance with Article 25:
☐ Complete text of the decision (Art. 25(1) a))
☐ Abstract or extract of the decision drawn up by the competent authority of the State of origin (Art. 25(1) b)) (if applicable)

Section 7 contains tick boxes for you to indicate which application the transmittal is accompanying. The Article references are to the Hague Child Support Convention, not UIFSA. Use the Practical Handbook as a quick reference to the correct Article. You may also view the text of the Convention itself. Both are available on the Child Support page of the Hague Conference website. The correct tick box for a creditor's Application for Recognition and Enforcement is the first one: Article 10(1)a).

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Section 8 of the Transmittal lists the documents that must be included with the application. You will use Section 8(a) when sending a creditor's application for recognition and enforcement of an order. Check all the boxes that apply to your application.

Transmittal – Page 3

☐ Document stating that the decision is enforceable in the State of origin and, in the case of a decision by an administrative authority, a document stating that the requirements of Article 20(2) are met unless that State has specified in accordance with Article 21 that decisions of its administrative authorities always meet those requirements (Art. 20(2)(b) or Art. 20(2)(c) as applicable)

☐ If the respondent did not appear and was not represented in the proceedings in the State of origin, a document or documents stating, as appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard, or that the respondent had proper notice of the decision and the opportunity to challenge or appeal it in that State (Art. 20(2)(d))

☐ Where necessary, a document showing the amount of any arrears and the date such amount was calculated (Art. 20(2)(e))

☐ Where necessary, a document providing the information necessary to make appropriate calculations, in case of a decision providing for arrearage adjustment by indication (Art. 20(2)(f))

☐ Where necessary, documentation showing the extent to which the applicant received live legal assistance in the State of origin (Art. 20(2)(g))

In accordance with Article 30(3):

☐ If complete text of the maintenance arrangement (Art. 30(3)(a))

☐ A document stating that the particular maintenance arrangement is enforceable as a decision in the State of origin (Art. 30(3)(b))

☐ Any other documents accompanying the application (e.g., if required, a document for the purpose of Art. 26(4))

Page 3

Notice that after the first set of tick boxes, there is a second set of tick boxes introduced by the phrase “In accordance with Article 30(3).” Do not check any of these final tick boxes; they are only used where the application is for recognition of a maintenance arrangement.

Transmittal – Page 3 (cont'd)

b. For the purpose of an application under Article 19(1)(b), (c), (d), (e), (f) and (2)(a), (b) or (c), the following number of supporting documents (including the transmittal form and the application itself) in accordance with Article 11(3):

☐ Article 19(2)(b) _____

☐ Article 19(2)(c) _____

☐ Article 19(2)(d) _____

☐ Article 19(2)(e) _____

☐ Article 19(2)(f) _____

☐ Article 19(2)(a) _____

☐ Article 19(2)(b) _____

☐ Article 19(2)(c) _____

Name: _____ (in block letters) Date: _____

Authorized representative of the Central Authority (signature) (date)

1. This document was drafted by the U.S. Department of Justice, Office of the Inspector General, in 2008. It is a public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number.

Page 3

Section 8(b) applies to different applications than the one we are discussing in this module so do not check any boxes within it when you are sending a creditor's application for recognition and enforcement.

Finally, note the Transmittal does not require a signature. Rather there is a block for the name of the authorized representative of the requesting Central Authority who is completing the form. In most states, that will be the caseworker handling the case.

4.10.2 Application

Application – Page 1

Convention on the International Recovery of Child Support and Other Family Maintenance

Application for Recognition or Enforcement
(2008: 100-1-12; 100-1-12; 100-1-12)

CONFIDENTIALITY AND PERSONAL DATA PROTECTION 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 disclosure that it do so would jeopardize the health, safety or liberty of a person or compromise child identity.

☐ A determination of non-disclosure has been made by a Central Authority in accordance with article 10. If this box is checked, information under articles 1, 2, 3, 4, 5, 6, 7 and 8 shall only be provided in the Restricted Information in the Application page of this form.

1. Requesting Central Authority file reference number: _____

2. Particulars 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

Most Convention countries have indicated in their Country Profiles that they want Contracting States to use the recommended Application form published by the Hague Conference. As is true for all applications, the first section of the Application for Recognition and Enforcement provides a confidentiality and personal data protection notice. If there is concern that disclosure of identifying information would jeopardize the applicant's health, safety, or liberty, place a check mark in the appropriate box on the Application form and do not provide the personal information requested in Section 2. Instead, include the applicant's personal information on the separate Restricted Information Form, which is found at the end of the application form.

After listing your file reference number (in the U.S., that would be your case number), you will be providing information about the applicant. If the applicant is an individual, there are four options. The individual applicant may be the person for whom support is sought or payable, such as a spouse, a parent of a child, or the child. In the United States, we usually refer to that person as the obligee. The applicant may be the legal representative of the person for whom support is sought or payable. Or the applicant may be the debtor or a representative of the debtor. In the United States, we usually refer to the debtor as the noncustodial parent or obligor.

You will usually check the box indicating the applicant is the person for whom maintenance is sought or payable. The family name would be the obligee's last name. The given name is the obligee's first name.

Application – Page 1 (cont'd)

a.	Name of the public body:	_____
b.	Family name(s) of the contact person:	_____
c.	Given name(s) of the contact person:	_____
and		
d.	Address:	_____ _____ _____
e.	Telephone numbers:	_____ _____
f.	Fax number:	_____
g.	E-mail:	_____

This is the bottom half of page 1 and includes information if the applicant is a public body. For the purpose of an application for recognition and enforcement, Article 36 of the Convention allows a creditor to be a public body acting in place of an individual to whom maintenance is owed or one to which reimbursement is owed for benefits provided in place of maintenance. Complete fields “a” through “c” as appropriate.

If you notice, whether the applicant is an individual or a public body, the fields are lettered a, b, and c. In either case, you need to also complete fields “d” through “g.” These fields require text information, not the checking of a tick box. They ask for the applicant’s address, phone number, fax number, and e-mail address. ***Pursuant to OCSE guidance, you should use the agency address as the address for an individual applicant in all IV-D cases, both public assistance and non-public assistance.*** That ensures the agency receives notices required by the Convention. The agency will be responsible for forwarding notices to the applicant, as appropriate.

Application – Page 2

3.	Particulars of the person(s) for whom maintenance is sought or payable:
3.1	<input type="checkbox"/> Maintenance is sought or payable for the applicant named above. Maintenance basis: <input type="checkbox"/> parentage <input type="checkbox"/> in loco parentis or equivalent relationship <input type="checkbox"/> marriage <input type="checkbox"/> religious relationship or marriage <input type="checkbox"/> affinity (where shared) <input type="checkbox"/> adoption <input type="checkbox"/> grandchild
3.2	<input type="checkbox"/> Maintenance is sought or payable for the following child(ren):
a.	Family name(s): _____ Given name(s): _____ Date of birth: _____ Maintenance basis: <input type="checkbox"/> in loco parentis or equivalent relationship
b.	Family name(s): _____ Given name(s): _____ Date of birth: _____ Maintenance basis: <input type="checkbox"/> in loco parentis or equivalent relationship
c.	Family name(s): _____ Given name(s): _____ Date of birth: _____ Maintenance basis: <input type="checkbox"/> in loco parentis or equivalent relationship

Section 3 provides information about the individual for whom support is sought or payable.

If the applicant is seeking support for himself or herself, indicate that in Section 3.1. For example, if the applicant is a spouse, and the application seeks recognition and enforcement of an order providing for spousal support as well as child support, check tick box 3.1. You must also indicate the basis for the support duty. For spousal support, check the tick box “marriage.” Some tick boxes such as “affinity” are not relevant to the U.S. because we have not extended the Convention to family relationships such as an uncle.

The more common scenario will be the applicant who is a parent or a public body seeking recognition and enforcement of a child support order. In that case, Section 3.2 needs to be completed. For each child, provide the full name and date of birth. The Practical Handbook says to use the name that appears on the child’s birth certificate.

The application must also state the basis for the child support obligation. Check “Parentage” if the children were born during marriage so parentage is presumed or if there is a legal determination of parentage. The Practical Handbook says to check this box also if there are genetic test results establishing a “connection between the parent and child.”

If the child is the applicant, only Section 3.2 needs to be completed.

The screenshot shows a form titled "Application – Page 2 (cont'd)". It contains two main sections:

3.3 ☒ Maintenance is sought or payable for the following person

Family name(s): _____

Given name(s): _____

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

Maintenance basis:

☐ marriage ☐ analogous relationship to marriage

☐ affinity (spouse identity) ☐ sibling ☐ grandchild

☐ grandparent ☐ other _____

3.4 ☒ Maintenance is sought or payable for additional children or persons, additional particulars are attached

Complete Section 3.3 if maintenance is sought or payable for someone other than the applicant or a child.

Check the tick box in Section 3.4 if support is sought for additional children. In that case, you will need to attach information for those children in the same type format as for the three children named in Section 3.2.

Application – Page 3

4.1 Particulars (if known) of the debtor

☐ The person is the same as the applicant named above

a. Family name(s): _____

b. Given name(s): _____

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

d. Residential address: _____

e. Postal address: _____

4.2 If the debtor is the applicant, particulars (if known and applicable) of the representative of the person(s) for whom maintenance is sought or payable

a. Family name(s): _____

b. Given name(s): _____

c. Address: _____

d. Telephone number(s): _____

e. Fax number: _____

f. E-mail: _____

If the applicant is the debtor, you would complete sections 4.1 and 4.2. Today we are focusing on a creditor's application for recognition and enforcement so we will not review these sections. However, information on completing these sections is in Chapter 15 of the Practical Handbook.

Application – Page 3 (cont'd)

4.3 Information that may assist with the location of the respondent

a. Personal identification number:
(include name of country or territorial unit that issued the number)

b. Any other information that may assist with the location of the respondent: _____

5. Payments

a. Details for electronic transfer of payments (if applicable)

Name of the bank: _____

SWIFT: _____

IBAN: _____

Account number: _____

Name of account holder: _____

References: _____

In Section 4.3 you should provide information that will assist in locating the respondent. The personal identification number is a government issued number that may help the Central Authority verify the respondent's identity in government or other databanks. For example, it may be the Social Security number (if the respondent is from the U.S.), National Insurance Number (if the person is from the U.K.), Social Insurance Number (if the person is from Canada), or Tax File Number (if the person is from Australia).

Section 5 provides information about where you want support payments to be sent. Do not complete this section if there is concern that identification of the bank or SDU

directives of the respondent, and intercourse in the state that may have resulted in conception of the child. Again, in most of those cases, the creditor resided in the issuing state. And that *is* a basis for a Convention country to recognize the U.S. order.

Therefore, if applicable under the case facts, check the third tick box. It will be the only box you can check if the basis used for jurisdiction over the respondent is available under UIFSA Section 201 but not specifically listed under Article 20.

The screenshot shows a form titled "Application – Page 4 (cont'd)". It contains a section labeled "8. Appearance of the respondent" with three checkboxes:

- ☐ The respondent appeared or was represented in the proceedings in the State of origin.
- ☐ The respondent did not appear and was not represented in the proceedings in the State of origin (see attached Statement of Proper Notice (Art. 25(1) d)).
- ☐ Financial Circumstances Form attached (Art. 13(2) a) and b)).

Below the checkboxes, there is a line for "Page 4 of 4" and a small "123" in the bottom right corner.

As discussed during Module 3, in order for an order to be recognized or recognized and enforced, the requested State must be satisfied that the respondent had notice of the support proceeding as required by the law of the issuing State and had an opportunity to be heard or was represented in the proceeding.

Section 8 of the application covers this requirement. Indicate whether the respondent appeared or did not appear in the issuing State and whether he or she was represented. Usually a U.S. tribunal makes express findings about notice and appearance in the support order. If the respondent did not appear and was not represented, the competent authority must confirm that the respondent had proper notice, as required by the law of the State where the decision was made. As discussed earlier, the Statement of Proper Notice – one of the recommended Hague forms – accomplishes that. If the decision was made in an administrative system where no hearing is required, you must always include a Statement of Proper Notice.¹⁰

¹⁰ See Practical Handbook, para. 1028, p. 233.

This slide depicts page 5 of the Application for Recognition or Recognition and Enforcement. As noted earlier, in certain circumstances, a requested State may use a means or a merits test in determining whether to provide legal assistance to an applicant. Those two circumstances are outlined in Section 10. However, in most of your cases, where an application for recognition or recognition and enforcement of a child support order is made by a creditor, the requested State must provide free legal assistance and you do not need to complete Section 10. The exception is if you are assisting the debtor with an application for recognition. Then you would will need to check the second tick box.

The Financial Circumstances Form addresses the means test. In the situation where the debtor is receiving IV-D services, you should provide information substantiating that the debtor has benefitted from legal assistance in the issuing State.

The final page of the Application also includes an Attestation at the end. Note that the Application is not signed under penalty of perjury. Rather, an authorized representative of the requesting Central Authority attests that the application was completed by the applicant and reviewed by the requesting Central Authority. Further, the representative attests that the application complies with the requirements of the Convention; that the application and accompanying documents are the same as those provided by the applicant to the requesting Central Authority; and that the applicant has consented to

the forwarding of the application to the requested Central Authority. In most U.S. states, the authorized representative will be the caseworker in the local office who assisted with the application preparation.

4.10.3 Restricted Information, if Applicable

Restricted Information if Applicable – Page 1

Restricted Information on the Applicant
Application for Recognition or Enforcement
(Article 10(1) or Article 10(2) or Article 38)

N.B. The requesting Central Authority has determined that information under sections 2-d, e, f and g and 5 on this page shall not be disclosed or confirmed 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 number: _____

f. Fax number: _____

g. E-mail: _____

If you have determined that certain identifying information should not be disclosed or confirmed for the protection of the health, safety, or liberty of a person, you will include this form with the Application for Recognition and Enforcement. Under the Convention, the determination by the requesting Central Authority has the same purpose as the allegation by a party under Section 312 of UIFSA (2008). The form is titled Restricted Information on the Applicant. It segregates personal and financial information about the applicant, and is similar to the revised intergovernmental forms we use to protect personally identifiable information in interstate UIFSA cases.

Restricted Information – Page 1 (cont'd)

5. Payments

a. Details for electronic transfer of payments (if applicable)

Name of the bank: _____

SWIFT address: _____

IBAN: _____

Account number: _____

Name of account holder: _____

Reference: _____

b. Details for payments by cheques (if applicable)

Cheque payable to: _____

Cheque to be sent to: _____ (address)

Reference: _____

☐ This application was completed by the applicant and reviewed by the requesting Central Authority.

☐ This application complies with the requirement of the Convention (Article 10(2)). The information contained in this application and the attached documents correspond to and are in conformity with the information and documents provided by the applicant to the requesting Central Authority. The application is forwarded by the Central Authority on behalf of and with the consent of the applicant.

Name: _____ (in block letters) Date: _____ (dd/mm/yyyy)

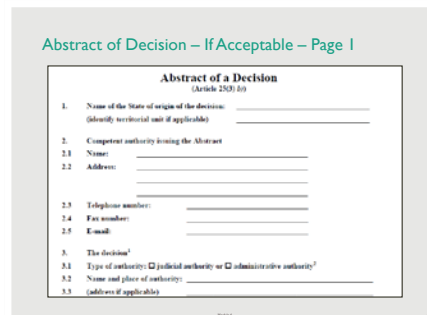
Authorized representative of the Central Authority

This is the bottom half of the form. Note that the numbering is not sequential; it conforms with the section numbers on the Application for Recognition and Enforcement where identifying information is provided. Because bank account information may help identify the location of a person, Section 5 segregates that information.

There is a separate Restricted Information form for the Financial Circumstances form.

The remaining tick boxes are at the bottom of all Convention applications. The first one indicates whether the application was completed by the applicant and reviewed by the requesting Central Authority. The second tick box should always be checked. It states that the application complies with Convention requirements and that the applicant consents to the application being forwarded to the requested State. The name of an authorized representative of the child support agency should appear at the bottom of the page.

4.10.4 Abstract of Decision, if Acceptable



The image shows a form titled "Abstract of Decision – If Acceptable – Page 1". The form is titled "Abstract of a Decision (Article 25(b)(4))". It contains several numbered sections for data entry:

- 1. Name of the State of origin of the decision: (Identify territorial unit if applicable)
- 2. Competent authority issuing the Abstract
 - 2.1 Name:
 - 2.2 Address:
 - 2.3 Telephone number:
 - 2.4 Fax number:
 - 2.5 E-mail:
- 3. The decision:
 - 3.1 Type of authority: ☐ judicial authority or ☐ administrative authority?
 - 3.2 Name and place of authority:
 - 3.3 (Address if applicable)

An Application for Recognition and Enforcement should always include the order itself unless the requested State has indicated that an applicant can include an abstract or extract of the order drawn up by the competent authority in the issuing State in lieu of the complete text. As of August 2018, very few Contracting States have indicated in their Country Profile that they will accept an abstract or extract in lieu of the complete text. An abstract is especially useful if the order is long and only part of it relates to child support. If an abstract is acceptable, then instead of translating the entire order, only the abstract or extracts need to be translated.

An acceptable form for that abstract is the recommended form published by the Hague Conference. As noted on this slide, the abstract provides a place to indicate whether the order was issued by a judicial or an administrative authority.

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Abstract of Decision – Page 1 (cont'd)

3.4	Date of the decision:	____/____/____ (dd/mm/yyyy)
3.5	Date of effect of the decision:	____/____/____ (dd/mm/yyyy)
3.6	Reference number of the decision:	_____
3.7	Names of the parties to the decision:	_____ _____
3.8	Decision results from:	<input type="checkbox"/> Divorce or legal separation proceedings <input type="checkbox"/> Paternity establishment proceedings <input type="checkbox"/> Maintenance proceedings <input type="checkbox"/> Parental responsibility proceedings <input type="checkbox"/> Other: _____
4	Name of the debtor:	_____

The form continues for several pages and summarizes the key components of the order as it relates to child support. Most of the sections are self-explanatory.

Abstract of Decision – Page 2

5. Terms of decision

5.1 Maintenance payable for one person or a group of persons (specify currency for each amount)

Names and dates of birth of the person(s) entitled to support / maintenance, arrears and other payments:

a. Family name(s): _____
Given name(s): _____
Date of birth: _____ (dd/mm/yyyy)

b. Family name(s): _____
Given name(s): _____
Date of birth: _____ (dd/mm/yyyy)

c. Family name(s): _____
Given name(s): _____
Date of birth: _____ (dd/mm/yyyy)

Section 5 provides information about specific terms of the order. There are places to list each person for whom support is owed. As noted earlier, the “family name” is the individual’s last name and the “given name” is the individual’s first name.

Abstract of Decision – Page 2 (cont'd)

5.1.1 Terms of payment of support / maintenance

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay support / maintenance in the amount of _____ (currency) /

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify): _____

This payment includes: ☐ arrears ☐ retroactive maintenance

☐ interest ☐ health insurance ☐ school fees ☐ other payments, arrangements or conditions (specify): _____

5.1.2 Terms of payment of arrears

☐ As of _____ (dd/mm/yyyy) the total amount of arrears is in the amount of _____ (currency) Beginning _____ (dd/mm/yyyy) the debtor shall pay arrears in the amount of _____ (currency)

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ single payment ☐ other (specify): _____

5.1.3 Terms of payment of retroactive maintenance

☐ As of _____ (dd/mm/yyyy) the total amount of retroactive maintenance is in the amount of _____ (currency) Beginning _____ (dd/mm/yyyy) the debtor shall pay retroactive maintenance in the amount of _____ (currency)

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ single payment ☐ other (specify): _____

There are places to note the terms of current support, payment of arrears, and payment of retroactive support. In listing the currency, use the applicable ISO code. That is a two-letter code that is an abbreviation for the country. For a U.S. order requiring support, you would note the dollar amount of support followed by the code US.

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Abstract of Decision – Page 3

5.5.4 Other payments as provided in the decision

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay interest in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay health insurance in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay school fees in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall make other payments, arrangements or conditions (specify) _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

5.5.5 Lump sum

The debtor shall pay the lump sum amount of _____

☐ Due date _____ (dd/mm/yyyy)

☐ Number frequency (specify) _____

The abstract also lists terms related to interest, health insurance, school fees, and lump sum payments. There is also a catch-all place to note other required payments.

Abstract of Decision – Page 4

5.2 Maintenance payments for more than one person or as individual basis (specify amount) for each amount

a. Family amount(s) _____

Cross amount(s) _____

Date of birth _____ (dd/mm/yyyy)

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay support / maintenance in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

☐ The payment shall be _____

☐ direct ☐ health insurance ☐ school fees ☐ other payments, arrangements or conditions (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay arrears in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ single payment ☐ other (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay retroactive maintenance in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ single payment ☐ other (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay interest in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

If the child support order has separate terms for other individual children, use Section 5.2 of the Abstract. That is most likely to occur when the order establishes an amount of support “per child.”

Abstract of Decision – Page 4 (cont'd)

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay health insurance in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall pay school fees in the amount of _____ every _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

☐ Beginning _____ (dd/mm/yyyy) the debtor shall make other payments, arrangements or conditions (specify) _____

☐ week ☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify) _____

Lump sum

The debtor shall pay the lump sum amount of _____

☐ Due date _____ (dd/mm/yyyy)

☐ Number frequency (specify) _____

As you can tell, Section 5.2 mirrors Section 5.1.

Abstract of Decision – Page 7

5.3 Maintenance payments directed to a public body (specify currency) for each amount:

a. Name of the public body: _____

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

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

d. Address: _____

e. Telephone number: _____

f. Fax number: _____

g. E-mail: _____

h. Beginning _____ (dd/mm/yyyy) the debtor shall pay support / maintenance in the amount of _____ every _____

☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ other (specify): _____

i. The payment includes: ☐ arrears ☐ retroactive maintenance

☐ interest ☐ health insurance ☐ school fees ☐ other payments, an assignment or condition (specify): _____

j. Beginning _____ (dd/mm/yyyy) the debtor shall pay arrears in the amount of _____ every _____

☐ two weeks ☐ month ☐ 3 months ☐ 6 months

☐ year ☐ single payment ☐ other (specify): _____

Section 5.3 will rarely apply unless the order requires specific payment to the child support agency for public assistance provided.

Do not complete Section 5.3 simply because support payments go through the SDU. It is the public body's entitlement to support payments under the order, not the location to which payments are directed, that controls whether you need to complete Section 5.3.

Abstract of Decision – Page 8

6. Indication of maintenance:

☐ The decision is silent about indication

☐ The maintenance is indicated by operation of law.

☐ The maintenance should be indicated every year by _____ %

☐ The maintenance should be indicated as follows: _____

7. Interest where maintenance payments are late:

☐ The decision is silent about interest where maintenance payments are late

☐ The interest on late payments is by operation of law.

☐ Liquidated amounts generate interest where payments are late at the following rate: _____ % per ☐ month ☐ 3 months ☐ 6 months ☐ year

☐ The interest is: ☐ simple or ☐ compound

8. Effect of the decision:

☐ The decision shall remain in effect:

☐ I call the child(ren) has (have) reached the age of: _____

☐ I call the child(ren) is (are) self supporting

☐ I call the child(ren) has (have) completed education (specify): _____

☐ Secondary school ☐ High school ☐ Other: _____

☐ College ☐ University

☐ I call the creditor is self supporting

☐ I call the creditor is in charge or discontinued by further decision or by operation of law

☐ Other: _____

Section 6 of the Abstract only applies if the order provides for automatic adjustment or indexation. For example, if your state uses a COLA (cost-of-living adjustment), you would complete this section.

Section 7 is specific to interest.

Section 8 addresses the duration of the support obligation. Keep in mind that the mandatory scope of the Convention requires the recognition and enforcement of current support to age 21. Enforcement beyond age 21 will depend upon domestic law.

Abstract of Decision – Page 8 (cont'd)

9. Costs and expenses

☐ The decision is silent about costs and expenses.
The debtor is ordered to pay costs and expenses.
The creditor is ordered to pay costs and expenses.
Costs and expenses are split as follows: _____ (specify currency)¹

☐ This Abstract accurately reflects the content of the decision, described under item 3 above, in relation to maintenance for the persons listed under items 5.1. and 5.2. a, b and c above.

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

☐ This Abstract 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: _____ (dd/mm/yyyy)
Authorized representative of the Central Authority

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

¹ Currency should be specified using the ISO code.

Section 9 addresses costs and expenses. Such costs may include genetic test fees.

The bottom of the form contains two name blocks. One is for the name of the official from the competent authority in the State of origin. Because “State” refers to the issuing country, it is OCSE policy that any representative of a IV-D agency can sign as the competent authority, summarizing the terms of a support order issued by its state or another U.S. state.

The other block is for the name of the representative of the requesting Central Authority that is forwarding the Abstract. That Central Authority representative indicates that the named official from the competent authority completed the Abstract and that the Central Authority representative is transmitting the Abstract to the requested Central Authority. In the U.S., the authorized representative of the requesting Central Authority will usually be a caseworker in the local office processing the case.

Bottom line, it is appropriate for the same child support worker or attorney to sign as both the competent authority and the authorized representative of the requesting Central Authority.

4.10.5 Statement of Enforceability

Statement of Enforceability – Page 1

Statement of Enforceability of a Decision (Article 25C) (a)	
1.	Name of the State of origin of the decision: _____ (Identify territorial unit if applicable)
2.	Competent authority issuing the Statement
2.1	Name: _____
2.2	Address: _____
2.3	Telephone number: _____
2.4	Fax number: _____
2.5	E-mail: _____
3.	The decision ¹
3.1	Type of authority: <input type="checkbox"/> judicial authority or <input type="checkbox"/> administrative authority ²
3.2	Name and place of authority: _____
3.3	Contents if applicable: _____

Page 1 of 1

Another document the Convention requires is a document stating that the support order is enforceable in the issuing country.¹¹ Unless the requested State has specified otherwise, use the recommended Convention form to comply with this requirement. Titled Statement of Enforceability of a Decision, it provides contact information about the competent authority issuing the Statement as well as information about the authority that issued the decision. As we will discuss in a minute, the competent authority may be a representative of the IV-D agency in the requesting State or in the state that issued the order.

Statement of Enforceability – Page 1 (cont'd)

3.4	Date of the decision: _____ (dd/mm/yyyy)
3.5	Date of effect of the decision: _____ (dd/mm/yyyy)
3.6	Reference number of the decision: _____
3.7	Name of the parties to the decision: _____
4.	<input type="checkbox"/> The decision is enforceable in the State of origin.
Name: _____ (in block letters) Date: _____ (dd/mm/yyyy)	
Name of the official from the competent authority of the State of origin: _____	
<input type="checkbox"/> This Statement of Enforceability of a Decision 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: _____ (dd/mm/yyyy)	
Authorized representative of the Central Authority	
Requesting Central Authority reference number: _____ (Use Central Authority use only)	

¹For the definition of decision see Article 2(1)(c).
²The administrative authority referred to in this Statement is the representative of Article 2(1)(c).

Page 1 of 1

The bottom half of the Statement includes more information about the decision – the date it was issued, its effective date, the reference number, and the names of the parties.

Section 4 is the most important tick box. That's where the competent authority indicates that the order is enforceable in the State of origin. So if it's a U.S. order, you would be

¹¹ The Statement of Enforceability that is submitted with an application differs from the declaration of enforceability or registration under the Convention and UIFSA.

stating that it is an enforceable order in the U.S. In other words, it's the controlling order in the case.

There are two name blocks on the form. One is for the name of the official from the competent authority in the State of origin. Many states have asked who can sign as the competent authority. Child support orders entered in the United States are subject to the Due Process requirements of the United States Constitution; and, in domestic cases, UIFSA and the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. § 1738B, require recognition of child support orders issued in other U.S. states. Therefore, in an outgoing application for recognition or recognition and enforcement of a U.S. order from a U.S. state to a Convention country, the child support agency in the requesting U.S. state may complete the Statement of Enforceability, whether or not its state issued the order. It should check the state and federal case registries and identify possible controlling order issues before preparing the Statement of Enforceability.

The other name block is for the representative of the requesting Central Authority that is forwarding the Statement of Enforceability. That Central Authority representative indicates that the named official from the competent authority completed the Statement of Enforceability and that the Central Authority representative is transmitting the Statement to the requested Central Authority.

4.10.6 Statement of Proper Notice

The image shows a form titled "Statement of Proper Notice¹ (Article 20(1) d)". The form is divided into two main sections. The first section, labeled "1. Name of the State of origin of the decision: (identify territorial unit if applicable)", contains a single line for the state name. The second section, labeled "2. Competent authority issuing the Statement", contains five sub-sections: "2.1 Name:", "2.2 Address:", "2.3 Telephone number:", "2.4 Fax number:", and "2.5 E-mail:". Each of these sub-sections has a corresponding line for the user to enter the information. The form is presented on a light gray background with a white border.

If the respondent did not appear and was not represented in the proceedings in the issuing country, the Convention requires that the Application for Recognition and Enforcement include a document attesting to proper notice and an opportunity to be

heard. Unless the requested State has specified otherwise, use the recommended Statement of Proper Notice published by the Hague Conference.

The first part of this form identifies the competent authority in the State of origin who is issuing the statement. As we discussed in Module 2, the identity of the competent authority will vary among countries. What is important is that it be an official in the issuing country who is able to confirm that the respondent had proper notice as required by the law of the country that issued the order. As we noted when discussing the Statement of Enforceability, the competent authority in the U.S. for completing the Statement of Proper Notice may be a representative of the IV-D agency in the requesting U.S. state or in the state that issued the order. Before signing the Statement of Proper Notice, the child support agency representative should check the order to see if there is a finding about service of process or notice so that the representative can accurately state that the respondent received proper notice – or waived service – and had an opportunity to participate in the hearing. If there is no such finding, the child support representative should contact the tribunal that issued the order and seek information that would support such statements, for example, a copy of the proof of service.

Statement of Proper Notice – Page 1 (cont'd)

3. The decision:

3.1 Type of authority: ☐ judicial authority or ☐ administrative authority

3.2 Name and place of authority: _____

3.3 Address (if applicable): _____

3.4 Date of the decision: _____ (dd/mm/yyyy)

3.5 Date of effect of the decision: _____ (dd/mm/yyyy)

3.6 Reference number of the decision: _____

3.7 Names of the parties to the decision: _____

4. Name of the respondent: _____

Section 3 of the form provides information about the order, including the authority that issued the order, the date of the order, the order's reference number (that will be the number assigned by the court or administrative tribunal), the names of the parties, and the name of the respondent.

Module 4: Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application

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 (2) 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 (2) 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: _____
Authorized representative of the Central Authority: (dd/mm/yyyy)

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

Page 2 of the form includes the information about notice. In Section 5, the official from the competent authority of the State of origin indicates the type of notice and opportunity to be heard that the respondent received. There are two options. The first tick box states that the respondent received advance notice and had an opportunity to be heard. States using a judicial process will check this box. The second tick box indicates that the respondent received notice of the decision and had an opportunity to challenge or appeal it on fact and law after the decision was rendered. If you're an administrative process state, check the appropriate box.

As with the Statement of Enforceability, there are two name blocks on the form. One is for the name of the official from the competent authority in the State of origin. As noted earlier, child support orders entered in the United States are subject to the Due Process requirements of the United States Constitution. In domestic cases, UIFSA and the Full Faith and Credit for Child Support Orders Act, 28 U.S.C. § 1738B, require recognition of child support orders issued in other U.S. states. Therefore, in an outgoing application for recognition or recognition and enforcement of a U.S. order from a U.S. state to a Convention country, a representative of the child support agency in the requesting U.S. state may complete the Statement of Proper Notice, whether or not its state issued the order.

The other name block is for the representative of the requesting Central Authority that is forwarding the Statement of Proper Notice.

The Financial Circumstances Form is another recommended form published by the Hague Conference. If the applicant is seeking both recognition **and** enforcement of the order (which will happen in most cases), you should include this form.

Financial Circumstances Form – Page I (cont'd)

Section 4 identifies the application that is being made. You do not need to check the box about applying for legal assistance when a creditor is seeking recognition and enforcement of a support order for a child up to age 21. Legal assistance is mandatory, if necessary in the requested State. However, if you are assisting a debtor seeking

Module 4: Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application

recognition of a support order, you should check this box in addition to the box for the specific application.

In Section 5 indicate the currency that is used throughout the Financial Circumstances Form. Currency conversion is not required. However, if you have converted all amounts to the currency of the requested State, indicate the exchange rate used and the date of the conversion.

Financial Circumstances Form – Page 2

II. GENERAL INFORMATION ABOUT THE CREDITOR OR THE PERSON(S) FOR WHOM MAINTENANCE IS SOUGHT OR PAYABLE (IF KNOWN)

A. Information about the creditor or the person(s) for whom maintenance is sought or payable

1. The creditor or the person for whom maintenance is sought is:

☐ Father ☐ Mother ☐ Grandfather other than parent ☐ Foster care provider

☐ Both the child and the above person (marked) are considered as creditors

☐ The child has himself/herself is the only creditor

☐ Other person (see the application)

2. Occupation, title or profession

3. Estimated gross monthly earnings (specify currency)

4. Other monthly income (if any) (specify currency)

5. Present marital status

☐ Married ☐ Single ☐ Partner ☐ Divorced ☐ Separated

B. Information about creditor's dependents

Family member (Given name(s))	Age	Relationship to creditor	Subject of this application?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

Although you should submit the Financial Circumstances Form in conjunction with the Application for Recognition and Enforcement, not every section of the form is relevant. You do not need to complete the creditor portion of the form since that information is not required for an Application for Recognition and Enforcement. Financial information about the creditor is only relevant for Applications to Establish or to Modify.

The sections that should be completed are those related to the debtor (or obligor).

Financial Circumstances Form – Page 2 (cont'd)

C. Information about current (2 spouse or 2 partner of creditor) or other member of the household contributing to the expense of the household

1. Family member (given name(s))

2. Employment

☐ Yes ☐ No ☐ Unemployed

3. Estimated gross monthly earnings (specify currency)

4. Other monthly income (if any) (specify currency)

5. The person identified above pays child support maintenance (voluntarily or judicially) administrative decision in the amount of \$_____ per _____ (specify currency) and the total amount outstanding is \$_____ (specify currency)

III. GENERAL INFORMATION ABOUT THE DEBTOR (IF KNOWN)

A. Information about the debtor

1. The debtor is:

☐ Father ☐ Mother ☐ Grandfather other than parent ☐ Foster care provider

☐ Spouse ☐ Partner ☐ Child ☐ Other person

2. Occupation, title or profession

3. Name and address of the employer

4. Estimated gross monthly earnings (specify currency)

5. Other monthly income (if any) (specify currency)

6. Present Marital Status

☐ Married ☐ Single ☐ Partner ☐ Divorced ☐ Separated

Part III of the form provides information about the debtor. It should be completed for all applications. Section A identifies the debtor's employment, earnings, and present marital status.

Module 4: Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application

Financial Circumstances Form – Page 3

B. Information about debtor's dependents			
Family name(s) (Given name(s))	Age	Relationship to debtor	Subject of this application?
1.			<input type="checkbox"/> Yes <input type="checkbox"/> No
2.			<input type="checkbox"/> Yes <input type="checkbox"/> No
3.			<input type="checkbox"/> Yes <input type="checkbox"/> No
4.			<input type="checkbox"/> Yes <input type="checkbox"/> No
5.			<input type="checkbox"/> Yes <input type="checkbox"/> No

C. Information about current spouse or partner of debtor or other member of the household contributing to the expenses of the household

1. Family name(s) (given name(s))	2. Employed?
	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Estimated gross monthly earnings (specify currency)	4. Other monthly income (if source) (specify currency)
5. The gross monthly above gross should represent maintenance voluntarily or judicially administered pursuant to the amount of _____ per _____ (usually attorney and household needs). As of _____ (date) the total amount paid is _____ (specify currency).	

Section B identifies all of the debtor's dependents, including dependents in the debtor's current household.

Section C provides income information about the debtor's current spouse, partner, or other household member who is contributing to the debtor's household expenses. Depending upon the laws of the requested State, the availability of such income may impact enforcement.

Financial Circumstances Form – Page 3 (cont'd)

IV. ASSETS AND DEBTS OF THE DEBTOR (IF KNOWN)

Please specify currency used to complete the following tables:

A. Value of debtor's assets

1. Real estate - Market value (Ownership: <input type="checkbox"/> self <input type="checkbox"/> joint (specify))	2. Location and/or registration number(s)
3. Other real estate - Market value (Ownership: <input type="checkbox"/> self <input type="checkbox"/> joint (specify))	4. Location and/or registration number(s) (specify)
5. Motor vehicles - Market value (Ownership: <input type="checkbox"/> self <input type="checkbox"/> joint (specify))	6. Location and/or registration number, model, year
7. Consumer loans - Market value (Ownership: <input type="checkbox"/> self <input type="checkbox"/> joint (specify))	8. Location and/or registration number, model, year
9. Furniture and household effects - Market value (Ownership: <input type="checkbox"/> self <input type="checkbox"/> joint (specify))	10. Location and description
11. Bank accounts	12. (Institution(s) and account number(s))
13. Life insurance and buy back value	14. (Insurance company, policy number)
15. Other assets - Value	16. (Institution(s) and account number(s))

Part IV should also be completed for all applications. Section A lists the debtor's assets. Complete it to the extent information is known.

Financial Circumstances Form – Page 4

B. Value of debtor's debts

Credit provider	Amount	Payment rate	Secured property
1.			
2.			
3.			

V. Information on income or net assets

Please specify currency used to complete the following tables:

A. Applicant's gross income

1. Source	Applicant	Child(ren) for whom maintenance is sought or payable	Other person for whom maintenance is sought or payable
2. Gross salary (net pay)			
3. Net pay			
4. Dividend income			
5. Pension, annuity, or other income			
6. Capital gains			
7. Income from real property			
8. Public assistance			
9. Other sources of income			

Section B of Part IV lists any known debts of the debtor.

You do not need to complete Part V when sending an Application for Recognition and Enforcement. This part is only completed if the application is for establishment of an order, modification of an order, or where legal assistance is required in the limited circumstances set out in Article 17 of the Convention.

Financial Circumstances Form – Page 6

13. Medical Insurance

A. Is there required by a maintenance decision to provide medical insurance for the child(ren)?
If Yes, How?
B. Is there required by a maintenance decision to provide medical insurance for the child(ren)?
If Yes, How?
C. Medical insurance for the child(ren) for whose maintenance is sought under the order is provided by:

A. Insurance provided by:	For child(ren):	For child(ren):	C. Child's Insurance Company
1. Insurance			
2. State			
3. State			
4. Child's insurance			
5. Insurance			
6. Other			
7. Other			
8. Other			
9. Other			
10. Other			
11. Other			
12. Other			
13. Other			
14. Other			
15. Other			
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87. Other			
88. Other			
89. Other			
90. Other			
91. Other			
92. Other			
93. Other			
94. Other			
95. Other			
96. Other			
97. Other			
98. Other			
99. Other			
100. Other			

☐ This Financial Circumstances Form was completed by the applicant and retained by the respondent's legal authority.

☐ The information provided in this Financial Circumstances Form corresponds to and is consistent with the information and documents provided by the applicant to the respondent's legal authority. The Financial Circumstances Form is provided to the respondent's legal authority in full and the respondent's legal authority is not to be used for any other purpose.

Name: _____ Date: _____
Authorized representative of the legal authority

Part VI of the Financial Circumstances Form addresses medical insurance.

4.11 RESOURCES OF THE FEDERAL OFFICE OF CHILD SUPPORT ENFORCEMENT

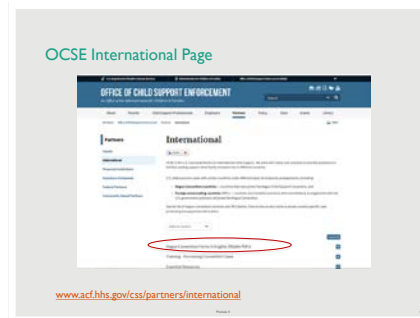
4.11.1 Convention Forms

OCSE Resources on Convention Forms

- The Hague forms are federally approved and available on the OCSE website in fillable pdf format. See Hague Forms on www.acf.hhs.gov/css/partners/international
- The 14 forms include a mandatory transmittal form, a mandatory acknowledgment form, and 12 recommended forms
- DCL-16-21 provides guidance and information about the forms

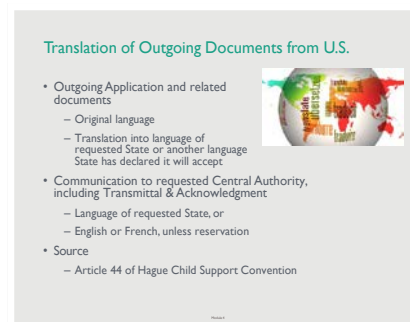
OCSE issued DCL-16-21, which provides guidance and information about the mandatory and recommended Convention forms. It has also formatted the forms into a fillable PDF format, which you can access from the OCSE website.

4.11.2 OCSE International Page



This slide depicts OCSE's International page at www.acf.hhs.gov/css/partners/international and shows where you would click to access the Hague Convention forms.

4.12 TRANSLATION OF OUTGOING DOCUMENTS FROM U.S.

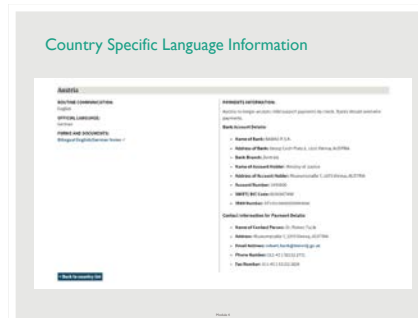


Article 44 of the Hague Child Support Convention addresses translation of documents and communications.

Any application and related documents must be in the original language, and must be accompanied by a translation into an official language of the requested State or another language which the requested State has declared it will accept, unless the competent authority of that State dispenses with translation.

Unless otherwise agreed by the Central Authorities, any other communications between such Authorities must be in an official language of the requested State or in either English or French. However, a Contracting State may make a reservation objecting to the use of either English or French. For example, the U.S. has objected to the use of

French when a Central Authority communicates with us. Such a reservation will be noted in the Status Table on the Child Support page of the Hague Conference website. You can also learn about a country's language requirements by checking its Country Profile.

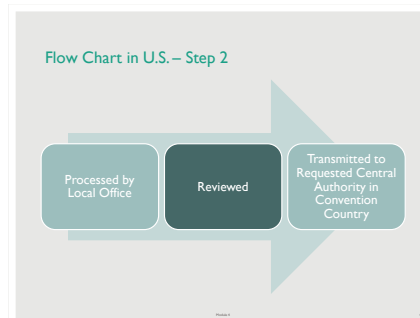


The quickest way to learn a country's language requirements is to go to OCSE's international page and use the drop down menu for "Select a country."

This slide shows the information available for each Convention country or FRC. We're using Austria as an example. On the left is information about that country's language requirements. It informs you of the communication language – generally English is acceptable in Convention cases, except for two countries (France and Luxembourg). It identifies the country's official language. And it also informs you of the required language for translation of forms and documents. If OCSE has forms translated into the required language, there is a hyperlink to such forms. For example, Austria accepts German/English bilingual forms.

Please review the language information carefully when preparing cases to send to another Hague country. If you need a Convention form in a language that is not currently accessible from the OCSE website, please contact OCSE for help.

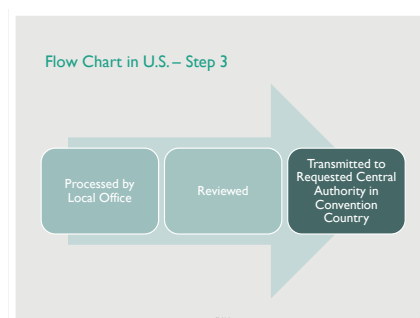
4.13 FLOW CHART IN U.S. – STEP TWO



Before transmitting the application, Article 12 of the Convention requires the requesting Central Authority to review the application to ensure that it complies with the Convention.

One implementation question a state IV-D agency needs to answer is whether applications will go directly from the local IV-D office to the requested Central Authority – as currently done in most states in international cases – or whether the agency wants to centralize a final review of all outgoing Convention applications. Currently there is no federal requirement to centralize the review or transmission of an application. However, some states are considering centralization in order to establish expertise in Convention provisions. OCSE encourages specialization in international case processing and would like to work with states to share best practices.

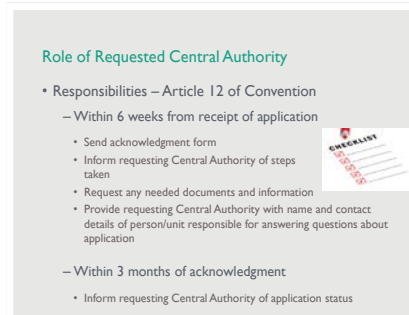
4.14 FLOW CHART IN U.S. – STEP THREE



The next slides focus on what happens once a IV-D agency has transmitted an Application for Recognition and Enforcement to the requested Central Authority in the Convention country.

How will you know the address of the country's Central Authority? You should check the country's Country Profile. As noted earlier, you can also find information about the Central Authority by clicking on the word "Authorities" on the right-hand column of the Child Support page of the Hague Conference website.

4.15 ROLE OF REQUESTED CENTRAL AUTHORITY

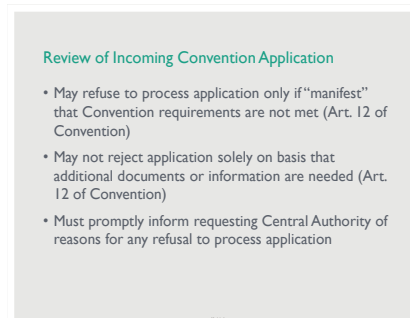


With this slide we begin to focus on the role of the requested Central Authority. What happens when it receives an application from a U.S. child support agency? Article 12 sets out several requirements, including timeframes for taking action. This is unusual for a Hague Convention and an example of how important it was to the U.S. that the treaty address the practical issue of delays in case processing.

The Convention requires the requested Central Authority to acknowledge receipt of the application within six weeks. There is a mandatory Acknowledgment form that must be used. The acknowledgment will also inform you about what initial steps have been taken, identify any needed additional documents, and provide contact information.

Within three months of the Acknowledgment, the Central Authority in the requested State is also required by the Convention to provide a status update. You don't have to request that initial status update.

4.15.1 Review of Incoming Convention Application

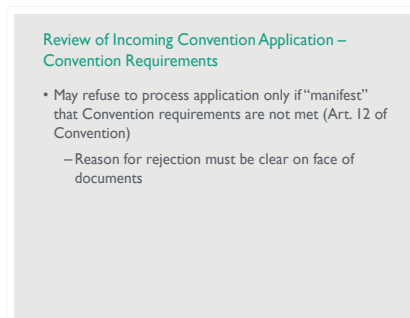


In its review of an application, there are two important provisions that govern the requested Central Authority.

First, it may refuse to process an application only if it is manifest that Convention requirements are not met. Second, the Central Authority may not reject an application solely because additional documents or information are needed. In the rare case where the requested Central Authority decides to refuse to process the application, there must be prompt notice to the requesting State.

We talked about each of these provisions during Module 3 but we will review them again.

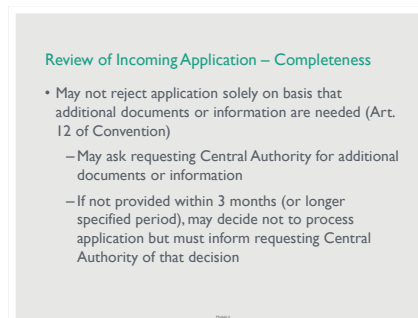
4.15.1.1 Review of Incoming Application – Convention Requirements



First, the Central Authority may refuse to process the application only if it is manifest that Convention requirements are not met. According to the Convention’s Explanatory Report, “manifest” means it must be clear on the face of the documents that the

requirements are not fulfilled.¹² The stringent standard recognizes that the requesting Central Authority should have already reviewed the application to ensure that it complies with the Convention. The Explanatory Report gives the following example of when it might be manifest that Convention requirements are not met: the party previously submitted an application concerning the same debtor that had failed on a specific ground and now the applicant is submitting the same application with no change of circumstances.¹³ The Explanatory Report further states that if it's unclear whether the application satisfies Convention requirements, it is preferable for the requested Central Authority to go ahead and process it and not make any decision that is more properly left to the competent authority acting on the application.¹⁴

4.15.1.2 Review of Incoming Application - Completeness



There is a second important provision governing the requested Central Authority's review of an incoming application.

It may not reject the Application for Recognition and Enforcement solely because additional documents or information are needed. If additional information is needed, the requested Central Authority should ask you for the information. If the information or documents are not provided within three months – or whatever longer time period is specified – the Convention allows the country to decide not to process the application. Hopefully that situation will never arise with an incoming application from the U.S. However, if that is the decision ultimately made by the requested Central Authority, it must let you know of that decision.

¹² Para. 344 of the Explanatory Report.

¹³ Para. 345 of the Explanatory Report.

¹⁴ See Para. 346 of the Explanatory Report.

4.15.1.3 Acknowledgment Form

Acknowledgment Form

- Article 12 of Convention
 - Within 6 weeks of receipt of application
 - Send acknowledgment
 - Required Convention form
 - Inform requesting Central Authority of action
 - Request any needed documents/information
 - Provide requesting Central Authority with contact details of person/unit responsible for processing application

The Convention requires the requested Central Authority to acknowledge receipt of an application within six weeks. The Hague Child Support Convention has a mandatory Acknowledgment form so you will receive the same form from every Convention country to which you send an application. The Acknowledgment identifies any needed documents and provides contact details of the person responsible for processing the application.

We reviewed the Acknowledgment during Module 3, but will look at it again.

Acknowledgment – Page 1

ANNEX B
Acknowledgment form under Article 12(3)

CONFIDENTIALITY AND PERSONAL DATA PROTECTION NOTICE

The personal data provided in this form is processed in accordance with the Convention and the law of the requested Central Authority. The data is processed for the purpose of the Convention and for the purpose of the law of the requested Central Authority. The data is processed for the purpose of the Convention and for the purpose of the law of the requested Central Authority. The data is processed for the purpose of the Convention and for the purpose of the law of the requested Central Authority.

The authority shall use the data for the purpose of the Convention and for the purpose of the law of the requested Central Authority. The data is processed for the purpose of the Convention and for the purpose of the law of the requested Central Authority. The data is processed for the purpose of the Convention and for the purpose of the law of the requested Central Authority.

A declaration of non-disclosure has been made by a natural person in accordance with article 12(3)

1. Requested Central Authority	2. Contact person in requested State
a. Address	a. Address of different
b. Telephone number	b. Telephone number of different
c. Fax number	c. Fax number of different
d. E-mail	d. E-mail of different
e. Reference number	e. Language(s)

The Acknowledgment form begins with the standard notice of confidentiality and personal data protection. It identifies the requested Central Authority, as well as the contact person for any follow-up questions about the case. The form has a place to list the languages spoken by the contact person.

Acknowledgment – Page 1 (cont'd)

3. Requesting Central Authority

Country person _____

Address _____

4. The requested Central Authority acknowledges receipt on _____ (date) of the transmittal from the requesting Central Authority (reference number _____) dated _____ (date) concerning the following application under:

☐ Article 10(1) a)
☐ Article 10(1) b)
☐ Article 10(1) c)
☐ Article 10(1) d)
☐ Article 10(1) e)
☐ Article 10(1) f)
☐ Article 10(2) a)
☐ Article 10(2) b)
☐ Article 10(2) c)

Page 1 of 2

Section 4 of the Acknowledgment is where the requested Central Authority would acknowledge receipt of the Application for Recognition and Enforcement of a Convention order. The articles listed are references to articles within the Hague Child Support Convention – not sections of UIFSA. For purposes of our discussion, the requested Central Authority would be checking the first box – Article 10(1)a) – to acknowledge receipt of the Application for Recognition and Enforcement of a Convention order.

Acknowledgment – Page 2

Family member of applicant _____

Family member of the person for whom maintenance is sought or payable _____

Family member of debtor _____

5. Initial steps taken by the requested Central Authority:

☐ The file is complete and is under consideration.
☐ The attached copies of application report.
☐ Name of applicant report will follow.
☐ Please provide the following additional information and/or documentation: _____

☐ The requested Central Authority refuses to process this application as it is outside the requirements of the Convention or not within the scope of the request.
☐ The request is an attached document.
☐ Will be an action document to follow.

The requested Central Authority requests that the requesting Central Authority inform it of any change in the status of the application.

Name _____ Title _____ Date _____

Authorized representative of the Central Authority _____

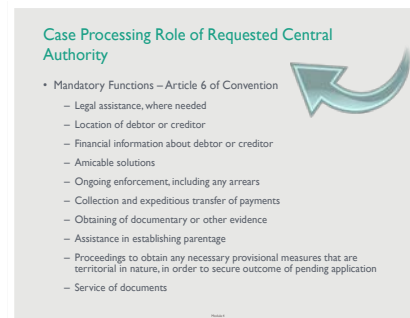
Page 2 of 2

The Acknowledgment includes areas for the requested Central Authority to provide the family name of the applicant, the person for whom maintenance or support is sought or payable, and the debtor. This information will come from the Transmittal you sent along with the application.

Section 5 of the Acknowledgment is where the requested Central Authority notes what initial steps have been taken. There are tick boxes to indicate whether the file is complete, or whether additional information or documentation is needed. There is also a tick box to indicate if the requested Central Authority refuses to process the application

because it is manifest that the requirements of the Convention are not fulfilled. As we discussed earlier, if that rare action is taken, the reasons must be provided.

4.15.2 Case Processing Role of Requested Central Authority



The Convention outlines general case processing responsibilities that the Central Authority has when receiving applications from a Convention country. This slide summarizes measures that Article 6 requires, if appropriate. We discussed these measures during the Module 2 webinar. If you recall, the required role of the requested Central Authority is usually to facilitate or help with these measures.

[Note to Trainer: The following information is provided in the Trainer Notes for Module 2.

A requested Central Authority must:

- Provide or facilitate the provision of legal assistance, where circumstances require;
- Help locate the debtor or the creditor;
- Help obtain relevant financial information about the debtor or creditor, including income and the location of assets;
- Encourage amicable solutions with a view to obtaining voluntary payment of support. Examples are the use of mediation, conciliation, or similar processes;

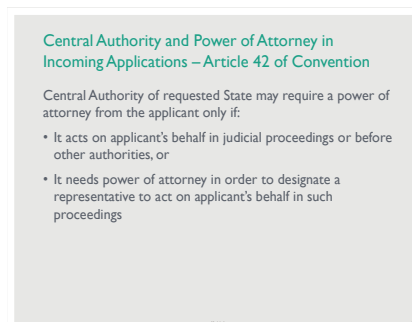
- Facilitate the ongoing enforcement of support orders, including any arrears;
- Facilitate the collection and expeditious transfer of support payments;
- Facilitate the obtaining of documentary or other evidence;
- Provide assistance in establishing parentage where necessary to recover support;
- Initiate or facilitate the institution of proceedings to obtain any necessary provisional measures that are territorial in nature and the purpose of which is to secure the outcome of a pending maintenance application.

What does this mean? The Central Authority may need to begin proceedings to freeze the debtor's assets pending the outcome of any legal proceeding. The measure must be "provisional," meaning temporary, and "territorial" in nature, meaning the effect must be confined to the territory of the requested State. The purpose of freezing assets is to secure the outcome of the child support proceeding, in other words, to ensure that there is income or assets against which the child support can be enforced.

- Facilitate service of documents.

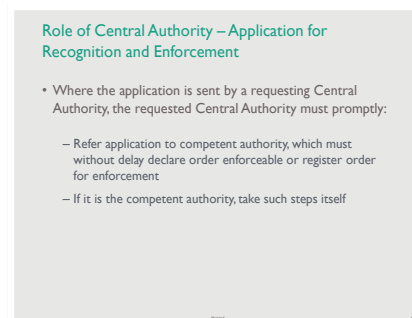
You will notice a lot of verbs like "help," "encourage," and "facilitate" in that list. The United States would have preferred stronger language but that was one of the compromises we made in order to ensure the Convention included a detailed list of responsibilities.]

4.15.3 Central Authority and Power of Attorney in Incoming Applications – Article 42 of Convention



Ordinarily, a requested Central Authority will process applications quickly without the need for any additional formal documents requesting assistance. However, under certain countries' domestic law, there must be a power of attorney in order for the Central Authority to act on behalf of the applicant. In that limited circumstance, Article 42 permits a Central Authority of the requested State to require a power of attorney from the applicant in order to represent the applicant before authorities. The Country Profile will let you know whether a power of attorney form is required.

4.15.4 Role of Central Authority – Application for Recognition and Enforcement



This slide assumes that the Application for Recognition and Enforcement has been processed, and not rejected, by the requested Central Authority.

The next steps depend upon the requested State's procedures. In some countries, it may be possible for the requested central Authority to determine if the order can be registered for enforcement or declared enforceable. In other countries, the requested Central Authority cannot make that determination. In those countries, the requested

Central Authority must promptly refer the application to the appropriate competent authority. In both cases, the responsible authorities must act “promptly” or “without delay” in registering the decision or declaring it enforceable.¹⁵

4.16 ROLE OF COMPETENT AUTHORITY – RECOGNITION AND ENFORCEMENT



To the extent there is no conflict with Convention procedures, the competent authority in the State addressed – the country to which you sent the Application for Recognition and Enforcement – will follow its own laws and procedures. However, the Convention does contain certain requirements to ensure the country uses an expedited process for recognition and enforcement of the order. The main provisions are in Article 23 of the Convention.

The objective is to establish a procedure that is simple, speedy, and low cost. As you can imagine, it took many years of negotiation to reach consensus on what that procedure should look like. Ultimately Article 23 requires a procedure for the registration of a foreign order for enforcement, or for a declaration of the order's enforceability, that excludes submissions of evidence from the parties unless there's a challenge. In the U.S. we use a registration procedure but that's not universal, which is why you see reference to a declaration. The Article 23 procedure limits available challenges and also limits the ability of the competent authority in the requested State to review the order on its own motion.¹⁶

¹⁵ See Para. 497 of the Explanatory Report.

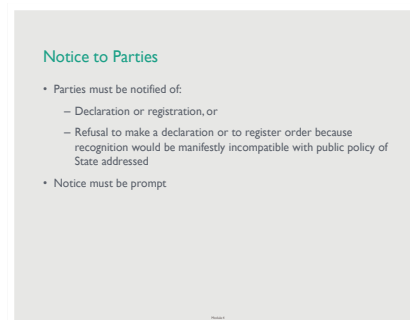
¹⁶ See Para. 491 of the Explanatory Report.

4.17 EX OFFICIO REVIEW BY COMPETENT AUTHORITY



Under the Convention, a competent authority may refuse a declaration or registration only if recognition of the order would be manifestly incompatible with the public policy of the State addressed. This is the only ground on which the competent authority may review *ex officio* the application. At this stage neither the applicant nor the respondent is entitled to make any submissions of evidence.¹⁷ That's because the procedure is supposed to be as fast and simple as possible. At the time of the *ex officio* review, if there are serious questions concerning the integrity or authenticity of a document, the competent authority may ask for the complete certified copy of the document.¹⁸

4.18 NOTICE TO PARTIES

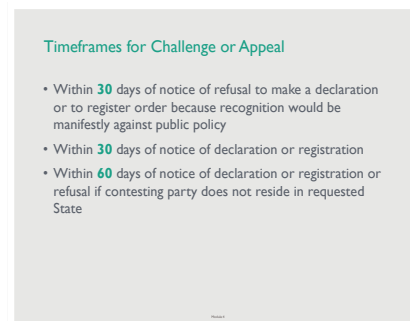


Under Article 23, the parties must be notified of the registration or declaration of enforceability, as well as of any refusal to register the order because recognition would be manifestly incompatible with the public policy of the State addressed.

¹⁷ Para. 501 of the Explanatory Report.

¹⁸ Para. 502 of the Explanatory Report.

4.19 TIMEFRAMES FOR CHALLENGE OR APPEAL



The Convention uses the terms “challenge” and “appeal” to cover both judicial and administrative systems. The objective of both terms is the same – to allow the party the chance to oppose the decision first made about recognition of the foreign order.¹⁹ The Hague Convention contains specific timeframes that all Contracting States must follow. (In the U.S., we implemented those timeframes in Section 707 of UIFSA (2008).)

When you send an Application for Recognition and Enforcement to a Convention country, if the requested competent authority refuses to make a declaration or to register the order because recognition of the order would be manifestly incompatible with its country’s public policy, the applicant has 30 days from notice of that decision to appeal.

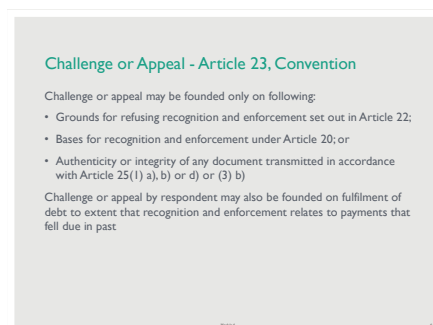
Assuming the Convention country registers the order or declares it enforceable, the respondent must file a contest within 30 days after the notice of registration or declaration.

And if the contesting party does not reside in the State addressed – for example, the obligor has bank accounts in Spain so you transmitted the application there, but the obligor actually lives in Morocco – the contest must be filed not later than 60 days after the notice.

¹⁹ See Para. 504 of the Explanatory Report.

Since the great majority of applications for recognition and enforcement will be successful, delegates during the treaty negotiations agreed that the time allowed for challenge or appeal should be brief.

4.20 CHALLENGE OR APPEAL – ARTICLE 23, CONVENTION



Because the goal is to have an expedited process for recognition and enforcement of support orders, the Convention limits the right to challenge or appeal. Article 23 lists the only bases for challenging the registration:

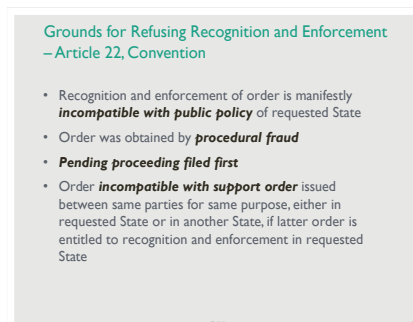
- One or more of the grounds for refusing recognition and enforcement under Article 22 is present;
- There is no basis for recognition and enforcement under Article 20;
- There is a problem with the authenticity or integrity of a document transmitted under Article 25.

Finally, another ground for challenge or appeal may be founded on payment of the support arrears, to the extent that recognition and enforcement relates to past-due support payments.

At this stage of challenge or appeal, the procedure is adversarial, meaning that both parties may present evidence and have an opportunity to be heard.

Let's talk about each one of these grounds for challenging the registration or declaration.

4.20.1 Grounds for Refusing Recognition and Enforcement – Article 22, Convention



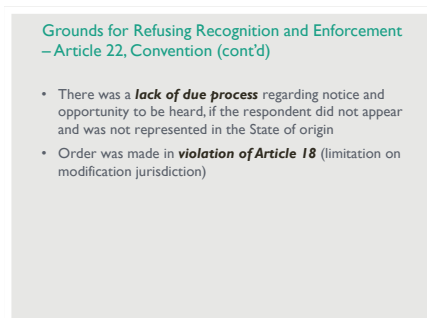
In an application for recognition and enforcement, a debtor may challenge the registration or declaration because there's a ground for refusing recognition and enforcement under Article 22 of the Convention. This slide and the next list those grounds.

The first is that recognition and enforcement is manifestly incompatible with the public policy of the requested State.

The second ground is that the order was obtained by procedural fraud.

Another ground is that there is a pending proceeding that was filed before the application.

And another ground is that the registered order is incompatible with an order issued between the same parties, either in the requested State or in another State, if that order is entitled to recognition and enforcement in the requested State.



In addition to the grounds for a contest that are listed on the prior slide, a debtor in the requested State may also raise these two grounds:

- Lack of due process regarding notice and an opportunity to be heard where the respondent did not appear and was not represented in the State of origin
- Order was issued in violation of Article 18 of the Convention, which limits a tribunal's jurisdiction to modify. There's a similar provision within Article 7 of UIFSA (2008). We will discuss these provisions during Module 6 of the webinar series.

4.20.2 Challenge Founded on Lack of Basis for Recognition under Article 20, Convention



A debtor may also challenge the registration or declaration because there is no basis for recognition under Article 20 of the Convention.

The Convention does not establish particular jurisdictional rules. Therefore there is no requirement that a Contracting State change its laws regarding subject matter and personal jurisdiction. Instead, the Convention sets up indirect rules of jurisdiction. That means it doesn't matter what actual basis of jurisdiction the issuing tribunal used. So long as the facts would satisfy one of the bases listed in Article 20 of the Convention, the requested State must recognize and enforce the order.²⁰

As you can tell from this slide, some of the bases listed in Article 20 are similar to ones in Section 201 of UIFSA (2008).

²⁰ See Para. 433 of the Explanatory Report.

Challenge Founded on Lack of Basis for Recognition under Article 20 (cont'd)

A support order issued by a Contracting State must also be recognized and enforced by another Contracting State if:

- Creditor was resident in State of origin when proceedings were begun
 - Contracting State can make a reservation to this basis
- Except in child support disputes, parties have agreed to jurisdiction in writing
 - Contracting State can make a reservation to this basis
- The order was made by authority exercising jurisdiction on a matter of personal status or parental responsibility, unless that jurisdiction was based solely on the nationality of one of the parties.
 - Contracting State can make a reservation to this basis

However, not all of the bases in UIFSA, Section 201 are listed in the Convention. For example, personal service on the respondent while present in the state is not listed in Article 20 of the Convention. Nor is intercourse in the state that may have resulted in conception of the child. Nor is presence of the child in the state because of acts or directives of the respondent. On the other hand, there are bases listed in Article 20 – as depicted on this slide – that are not listed in Section 201 of UIFSA. One of those is the fact that the creditor was habitually resident in the State of origin when proceedings were instituted. This is often called creditor-based jurisdiction, which the U.S. has taken a reservation to. However, if there is a U.S. order where jurisdiction was based on intercourse in the state that may have resulted in conception **and** the creditor was still living in the state when the support proceeding was initiated, the requested Convention State must recognize the U.S. order.

Again, what is important are the facts of the case – not the jurisdictional basis the tribunal actually used.

4.20.2.1 Reservations

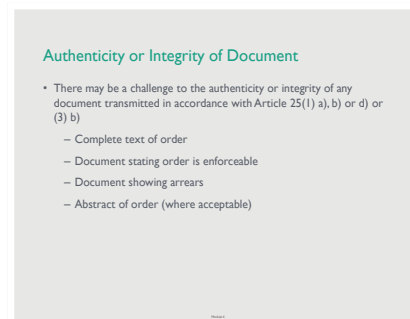
Reservations

- If a Contracting State makes an allowable reservation to a basis of Article 20, it must recognize and enforce the order if its law would in similar factual circumstances confer jurisdiction on its authorities to issue such an order

As we discussed during Module 3, the Convention allows a Contracting State to make a reservation to the three jurisdictional bases listed on the prior slide. The United States has taken a reservation to all three. If a Contracting State makes such a reservation, it must nevertheless recognize and enforce the registered support order if its law would in similar factual circumstances confer jurisdiction to issue an order. The U.S. implemented this provision in Section 708 of UIFSA (2008).

A U.S. tribunal will never issue a support order under one of those three jurisdictional bases because they conflict with our legal concept of due process. Therefore, this provision should never come into play with regard to a U.S. order sent to another Convention country for recognition and enforcement.

4.20.3 Authenticity or Integrity of Document



The Convention allows a challenge to the authenticity or integrity of a document because elsewhere the Convention does away with the requirement to initially send certified copies of documents. The delegates to the Convention wanted to ensure that if a document had been tampered with – for example, certain text had been deleted – there was a way a person could challenge it.²¹

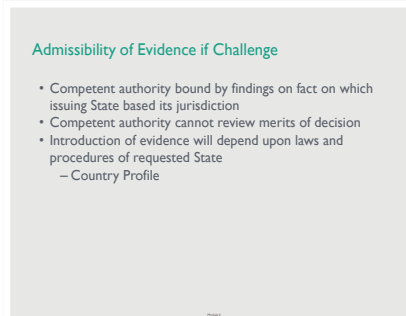
The documents covered are:

- The complete text of the order or, if the State allows, the abstract or extract,
- The document stating that the order is enforceable in the State of origin, and
- The document showing the amount of any arrears.

²¹ See Para. 510 of the Explanatory Report.

According to the Explanatory Report, if a certified copy of the document is transmitted initially, it should not be challenged or appealed under Article 23(7) c).²²

4.21 ADMISSIBILITY OF EVIDENCE IF CHALLENGE



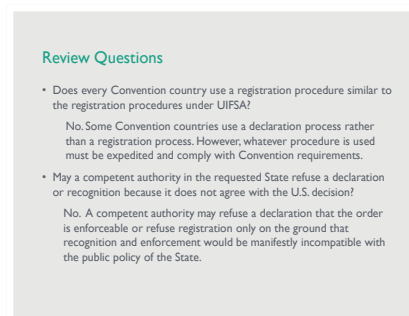
Admissibility of Evidence if Challenge

- Competent authority bound by findings on fact on which issuing State based its jurisdiction
- Competent authority cannot review merits of decision
- Introduction of evidence will depend upon laws and procedures of requested State
 - Country Profile

If there is a challenge, the Convention provides that the competent authority is bound by the findings of fact on which the issuing State based its jurisdiction. It also prohibits the competent authority from reviewing the merits of the decision.

Unlike UIFSA, the Hague Child Support Convention contains no evidentiary provisions that apply when there is a challenge to registration. Each Convention country will apply its own laws regarding the admissibility of evidence in a Convention proceeding. The best source of information about a country's laws is its Country Profile, available on the Hague Conference website.

4.22 REVIEW QUESTIONS



Review Questions

- Does every Convention country use a registration procedure similar to the registration procedures under UIFSA?
No. Some Convention countries use a declaration process rather than a registration process. However, whatever procedure is used must be expedited and comply with Convention requirements.
- May a competent authority in the requested State refuse a declaration or recognition because it does not agree with the U.S. decision?
No. A competent authority may refuse a declaration that the order is enforceable or refuse registration only on the ground that recognition and enforcement would be manifestly incompatible with the public policy of the State.

We've covered a lot of material so let's stop here, and review some key points.

²² *Id.*

- Does every Convention country use a registration procedure similar to the registration procedures under UIFSA?

No. Some Convention countries use a declaration process rather than a registration process. However, whatever procedure is used must be expedited and comply with Convention requirements.

- May a competent authority in the requested State refuse a declaration or recognition because it does not agree with the U.S. decision?

No. A competent authority may refuse a declaration that the order is enforceable or refuse registration only on the ground that recognition and enforcement would be manifestly incompatible with the public policy of the State. At this stage neither the applicant nor the respondent is entitled to make any submissions of evidence.

4.23 CHOICE OF LAW – ARTICLE 32, CONVENTION



Section 604 of UIFSA (2008) contains the choice of law rules that govern Convention proceedings in the United States. However, Hague Convention countries will be following Article 32 of the Convention. It is very similar to our UIFSA provision.

That Status form begins with the standard notice of confidentiality and personal data protection. It provides contact information for the requested Central Authority and identifies the person in the requested State who can provide information about the application. There are tick boxes to indicate whether this is the first status report – the one required three months after the acknowledgment – or a subsequent status report.

Section 3 of the form, which is not shown, provides information that identifies the relevant application – the IV-D case number, the names of the applicant and debtor, and the names of the persons for whom support is sought. It will be based on information you provided in the Transmittal that accompanied the application.

Status of Application – Page 2

4. Status of the application in the requested State

a. ☐ On ☐ (dd/mm/yyyy) the competent authority declared the decision enforceable or registered the decision for enforcement
(☐ declaration or registration attached for information purposes only;
☐ applicant has been notified of the declaration or registration;
☐ applicant will be notified of the declaration or registration)

b. ☐ On or by ☐ (dd/mm/yyyy) the competent authority is due to declare whether the decision is enforceable or is to be registered for enforcement

c. ☐ On ☐ (dd/mm/yyyy) the respondent lodged a challenge or an appeal against the declaration or registration

d. ☐ On ☐ (dd/mm/yyyy) the competent authority issued a decision refusing recognition and enforcement (☐ decision attached for information purposes only; ☐ applicant has been notified of the decision;
☐ applicant will be notified of the decision)

e. ☐ On ☐ (dd/mm/yyyy) the competent authority refused recognition and enforcement as a result of a reservation under Article 20(2). On ☐ (dd/mm/yyyy) a decision was established for the benefit of the creditor in accordance with Article 20(6).

Section 4 is where the requested Central Authority will indicate the current status of the application.

It will use the first tick box to state that the competent authority has declared the order enforceable or registered the order for enforcement (like we do in the U.S.).

The second tick box would let you know that the order has not yet been declared enforceable or registered but that is supposed to occur on or before the specified date.

The requested Central Authority will use the third tick box if the respondent has timely challenged the declaration or registration.

Tick box (d) indicates the competent authority has refused recognition and enforcement. This is the tick box that will be used if the respondent is successful in his or her challenge. Note the additional tick boxes related to notice of the decision on the parties.

Tick box (f) is for noting any further appeal of the tribunal's decision.

Tick box (g) states that the decision was sent to the enforcement authority. This should occur automatically once the order is recognized. There is no need to file a separate application seeking enforcement.

The requested Central Authority will use tick box (h) if the application is still pending. Because the first status report isn't due until three months after the initial acknowledgment, hopefully that much of a delay will be rare.

Tick box (i) is related to enforcement of the registered Convention order. Although the order may be recognized and enforceable in the requested State, the debtor may be unemployed and lack other assets. In other words, the order is enforceable but currently cannot be enforced.

Beginning with Section 5 of the form, there are tick boxes related to past steps that the requested Central Authority has taken with regard to enforcement of the registered order. Most of the tick boxes identify the particular enforcement measures initiated. The United States played a major role in ensuring the form has a comprehensive list so most of these enforcement measures should be familiar to you.

Module 4: Recognition and Enforcement of a Convention Order under UIFSA (2008) – Outgoing Application

Status of Application – Page 3

Whereas Section 5 of the Status form focuses on past steps, Section 6 focuses on present steps being taken.

Section 7 of the form lists future steps that will be taken.

The requested Central Authority may use the tick box in Section 8 to request any needed additional information or documents.

It will use the tick box in Section 9 if the competent authority has refused the application on its own motion because a declaration or registration would be manifestly incompatible with the public policy of the State addressed.

Statute of Application – Page 3 (cont'd)

Tick box 10 is important. This is where you will learn if the respondent has challenged the declaration or registration of the order, and – if so – the grounds for the challenge.

Status of Application – Page 4

☐ The decision was made in violation of Article 18

☐ The authenticity or integrity of any document transmitted in accordance with Article 25(1) a), b) or d) or (3) b)

☐ The debt for past due payments has been fulfilled.

11. ☐ The requested Central Authority has refused to process the application for the following reason(s):

a. ☐ Requesting Central Authority did not produce the additional documents or information within the period provided under Article 12(f)

b. ☐ Requirements of the Convention manifestly not fulfilled (☐ reasons attached)

Name: _____ (in block letters) Date: _____ (dd/mm/yyyy)

Authorized representative of the Central Authority

The requested Central Authority will use tick box 11 if it, itself, is refusing to process the application for one of two reasons.

The first is that you did not produce the documents or information within the required time period.

The second is the rare situation that it has determined that the requirements of the Convention are manifestly not fulfilled. In that circumstance, it must provide the reasons for that decision.

At the bottom of the form is a place for the name of the person completing the form.

4.25 POSSIBLE APPLICATION OUTCOMES

Possible Application Outcomes

- Recognition and enforcement
- Partial recognition and enforcement
- Recognition refused because of valid defense
- Recognition not possible because of reservation by requested State

In most cases, the result of the Application for Recognition and Enforcement will be that the order you sent is recognized and enforceable in the requested State.

However, the Convention recognizes the possibility of partial recognition and enforcement. For example, if there is a dispute about arrears, the tribunal can recognize

and enforce the order with regard to current support while the challenge about arrears is under way.

In some cases, the competent authority will refuse to recognize the order because the non-registering party has proven a valid basis for challenging the recognition and enforcement.

In some cases, the support order cannot be recognized because of a reservation that the requested State has made under the Convention. As noted earlier, however, this outcome should not occur in an application from the U.S. because our tribunals do not base jurisdiction on any of the bases to which a Contracting State make take a reservation.

4.26 CASE SCENARIO

Case Scenario

- Custodial parent in Florida has applied for IV-D child support services. Parent wants enforcement of Mississippi support order for \$1000/month for one child. Obligor lives in Sweden.

What steps should the local child support office take?

- Review application
 - Appropriate applicant
 - Within Convention scope
 - Order issued by Contracting State
 - Required documents, including translations if necessary

The next few slides present a case scenario.

In this case, the custodial parent and child live in Florida. The noncustodial parent lives in Sweden. She has a Mississippi support order that she wants enforced. She has applied for IV-D services in Florida.

What steps should the local Florida child support office take?

[After allowing time for the participants to think about the appropriate answer, the trainer or moderator should go over the steps identified on the slide. For example, in completing the application, the caseworker should make sure that:

- The application is one that is available to the particular parent

In this scenario, the creditor is seeking recognition and enforcement of a support order. That is an application available to the creditor.

- The Application for Recognition and Enforcement is within the Convention scope

The application relates to child support for a child under 21 years of age so it is within the mandatory Convention scope.

- The order was issued by a Contracting State

The United States is a Contracting State.

- The worker has all the required additional documents, including translated documents where necessary]



Case Scenario (cont'd)

- Florida IV-D agency transmits the Application for Recognition and Enforcement, along with the Transmittal and other required documents, to Swedish Social Insurance Agency.
- What steps should the Swedish Social Insurance Agency take?
- What steps should the competent authority in Sweden take?
 - Send notice of declaration or registration
 - Only exception: Declaration or registration may be refused if recognition would be manifestly incompatible with public policy of State addressed
 - If contest, comply with Article 23

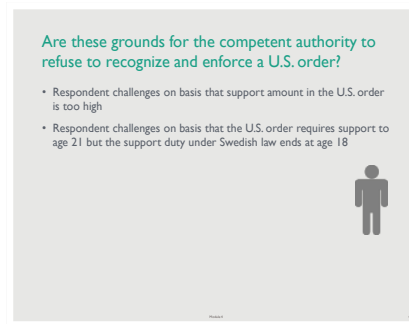
We will assume that Florida has completed the application, rounded up all the required additional documents, and transmitted everything to the Central Authority in Sweden.

What steps should the Swedish Social Insurance Agency take?

It should timely acknowledge the application and promptly forward the application and documents to the competent authority in Sweden with power to declare the Mississippi order enforceable or to register the order.

Following registration of the Convention order, what steps should the competent authority in Sweden take?

[After allowing time for the participants to think about the appropriate answer, the trainer or moderator should list the steps identified on the slide.]



Let's assume the respondent challenges the registration on the basis that the support amount exceeds his ability to pay. May the competent authority in Sweden refuse to recognize and enforce the U.S. order on that basis?

No. That is not a permissible ground for challenging registration. The respondent's income may affect the ability of Sweden to use certain enforcement measures, but if that is the only challenge, the competent authority must still recognize the Mississippi order as enforceable in that country.

Let's assume that the respondent challenges the registration because the Mississippi order requires support to age 21 but the law of Sweden, where the order has been registered, only requires support to age 18. Is that a valid ground for a challenge?

No. Article 32 of the Convention provides that duration is governed by the law of the country that issued the order. And the mandatory scope of the Convention requires Sweden to enforce current support through age 21 if that is what the order requires.

4.27 QUESTIONS OR FEEDBACK

You probably have lots of questions about implementing the Convention in the United States. OCSE's Division of Policy and Training will continue to issue guidance on these implementation issues.

To address immediate needs, the Division is hosting this webinar training series. This module discussed the most common application – recognition and enforcement of a Convention order. In Module 3 we focused on incoming applications to the United

States. This module discussed outgoing applications for recognition and enforcement from the United States to a Convention country.



At any point, please do not hesitate to contact OCSE at the address on the slide with questions you may have or feedback on the webinar content.

Thank you for attending this webinar.