

## **A Caseworker's Guide to Processing Cases with Israel**

"A Caseworker's Guide to Processing Cases with Israel" provides contact and policy information and describes basic requirements for forms and procedures for use in cases between Israel and U.S. jurisdictions.

Israel and the U.S. entered into a federal-level Memorandum of Understanding (MOU) under the terms of which Israel and the United States each express its intent to process child support requests for the other. The MOU provides for an initial period of three years effective February 5, 2009 through February 4, 2012. It continues in effect unless either side notifies the other that it wishes to end its cooperation. An initial period was agreed to because of Israel's need to evaluate the number of cases coming from the U.S. and the cost of providing free services in these cases.

Pursuant to this MOU, Israel has been declared a foreign reciprocating country according to section 459A of the Social Security Act (Act). Israel's procedures conform substantially with the mandatory elements set forth in section 459A(b)(1) of the Act. Similar to U.S. procedures, Israel will enforce spousal support under the MOU only if the spousal support was entered together with a child support order.

The Central Authority for Israel is the Legal Aid Department of the Ministry of Justice. This office was appointed as the Central Authority with respect to the United Nations Convention on Recovery of Maintenance Abroad (New York, 1956). Accordingly, the office has considerable experience working with international child support cases. However, the MOU is Israel's first experience working international paternity and support establishment cases, as opposed to enforcement. Particularly with regard to establishment cases, this Guide offers the best opinion of the Ministry of Justice as to how Israeli law will be applied by the Israeli courts in MOU cases. The legal positions discussed in this guide will be proffered by the attorney representing the U.S. petitioner in the MOU case. Caseworkers are advised that MOU establishment cases may present issues of first impression in Israel and procedures will be impacted by rulings of Israeli judges before whom these cases are heard. The Ministry of Justice has proposed legislation to address issues that have been identified to date. The parties have agreed to review and update the Guide as statutory or procedural changes are made in Israel through legislation, court rules or case law. In complex situations, the U.S. caseworker or attorney should direct the question to the Ministry of Justice.

Israel's working language is Hebrew. Petitions and supporting documents (including court decisions and legal documents) must be translated into Hebrew and authenticated, with the English original or a notarized copy attached. Hebrew-English bilingual forms are provided in Part E of this Guide.

The text of the MOU between the United States and Israel may be found in Part A of this guide or at <http://www.acf.hhs.gov/programs/css/international>. The website for the Ministry of Justice is <http://www.justice.gov.il>. (There is a tab on the website that offers all information in English, <http://www.justice.gov.il/MOJeng/default.htm>.)

Contact information for Israel is:

Yael Simchi, Advocate  
The Israeli Ministry of Justice, the Legal Aid Department  
Hasoreg 1, Beit Mizpe, P.O. Box 1777  
Jerusalem, 91017, Israel  
Tel: 011-972-2-6211312  
Fax: 011-972 (0) 2 6211357  
Email: [YaelSi@justice.gov.il](mailto:YaelSi@justice.gov.il)

For the most up-to-date contact information for Israel's Central Authority, please refer to the OCSE Intergovernmental Reference Guide (IRG):

<https://extranet.acf.hhs.gov/irg/welcome.html>.

In order to expedite mail service to Israel, the following address in Hebrew may be cut and pasted on any envelope intended for delivery to Israel's Central Authority:

הנהלת האגף לסיוע משפטי

לידי עו"ד יעל שמחי

ת.ד. 1777

ירושלים, 91017

ISRAEL

This Caseworker's Guide for Israel contains the following information:

Part A – Memorandum of Understanding between the Government of the United States of America and the Government of the State of Israel for Cooperation in Child Support Enforcement (English and Hebrew versions)

Part B – Outgoing Child Support Packages from the U.S. to Israel

Part C – Incoming Child Support Packages from Israel to the U.S.

Part D – Policy for Israel

Part E – Bilingual International Forms for Israel

- AFFIDAVIT IN SUPPORT OF ESTABLISHING PARENTAGE
- CERTIFICATE OF ENFORCEABILITY
- EXISTING ORDER INFORMATION & SWORN STATEMENT OF ARREARS
- GENERAL POWER OF ATTORNEY TO MINISTRY OF JUSTICE LEGAL AID DEPARTMENT
- GENERAL TESTIMONY
- LOCATE PERSON/ASSETS
- REGISTRATION STATEMENT
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- TRANSMITTAL AND ACKNOWLEDGMENT
- UNIFORM SUPPORT PETITION

***Part A: Memorandum of Understanding between the Government of the United States of America and the Government of the State of Israel for Cooperation in Child Support Enforcement (English and Hebrew versions)***

The Memorandum of Understanding is included on the following pages.

**מזכר הבנות בין ממשלת ארצות הברית של אמריקה ובין ממשלת מדינת ישראל**  
**לשיתוף פעולה לאכיפת תשלום מזונות ילדים**

ממשלת ארצות הברית של אמריקה וממשלת מדינת ישראל (מכאן ואילך הן תצוינה במסמך זה "המדינות"),

מודעות למספר הרב של תושבי ישראל וארה"ב שביניהם קרבת משפחה;

ומשוכנעות בצורך להקים מסגרת אחידה ויעילה בין המדינות להכרה בהחלטות בדבר חיוב במזונות ילדים ולאכיפתם של חיובי מזונות ילדים, בהתאם לחוקים המובחנים של מדינת ישראל ושל ארה"ב,

הגיעו להבנות הבאות:

1. ארה"ב וישראל תדאגנה לנקוט, מטעמו של זכאי למזונות המתגורר במדינה האחרת, בכל הצעדים הנדרשים להכרה ולאכיפה של החלטות שיפוטיות או מנהליות בדבר חיובי מזונות שהתקבלו במדינה המבקשת וליסודם ולביצועם של הליכים לגבייה או השבה של מזונות במדינה המתבקשת, לרבות קביעת הורות כאשר הדבר נדרש.

2. כל מדינה תמנה רשות מרכזית שתבטיח שיתוף פעולה בהתאם למזכר הבנות זה. הרשות המרכזית בישראל היא היחידה לסיוע משפטי במשרד המשפטים. הרשות המרכזית בארה"ב היא היחידה לגביית מזונות ילדים במשרד הבריאות ולשירותים חברתיים. המדינות רשאיות למנות גופים ציבוריים אחרים אשר יבצעו את המטלות שבמזכר הבנות זה בתאום עם הרשות המרכזית.

3. כל השירותים שינתנו על פי מזכר הבנות זה יסופקו ללא עלות למבקשים.

4. המדינות תדאגנה לשתף פעולה על מנת לפתח ביניהן מדריך מפורט להעברת המקרים שביניהן.

5. מזכר ההבנות זה ייושם ויבוצע על פי הדינים הפנימיים של המדינות בלבד.

6. תחילת הפעלתו של מזכר הבנות זה יהיה במועד האחרון שבו המדינות תודענה האחת לאחרת שהן השלימו את ההליכים הפנים מדינתיים הנדרשים להפעלת מזכר ההבנות.

7. בכוונת המדינות ליתן תוקף למזכר ההבנות לתקופה של שלוש שנים ואחר מכן הוא ימשיך להיות בתוקף אלא אם כן אחת המדינות תודיע בכתב למדינה האחרת כי היא מבקשת לסיים את שיתוף הפעולה על פי מזכר ההבנות.

8. בכל אופן, תדאגנה המדינות להמשיך את כל הצעדים הנדרשים להשלים את המשך השירותים שהחלו בהם בעת שתוקף הסכם זה יפסק.

נחתם ב 16.12.09 ביום 15.12.2009, אשר מקביל ליום 16.12.09 התשס"ט, בשני עותקים מקוריים בעברית ובאנגלית, שני הנוסחים יהיו מקוריים במידה שווה. במקרה של שוני בפרשנות, המדינות מתכוונות שהנוסח באנגלית יהיה הקובע.

/s/

בשם ממשלת מדינת ישראל

/s/

בשם ממשלת ארצות הברית של אמריקה

**Memorandum of Understanding between the Government of the  
United States of America and the Government of the State of Israel  
for Cooperation in Child Support Enforcement**

The Government of the United States of America and the Government of the State of Israel (hereinafter referred to as the States),

Recognizing the large number of family relationships between U.S. and Israeli residents; and

Being convinced of the need to establish a uniform and effective framework between the States for the recognition of child maintenance decisions and the enforcement of child maintenance obligations,

In accordance with the respective laws of the United States and the State of Israel,

Have reached the following understanding:

1. Israel and the United States will endeavor to take, on behalf of a maintenance creditor residing in the other State, all appropriate steps for the recognition and enforcement of judicial or administrative maintenance decisions made in the requesting State and for the institution and prosecution of proceedings for the recovery or reimbursement of maintenance in the requested State, including the determination of parentage where necessary.

2. Each State has designated a Central Authority to facilitate cooperation under this MOU. The Central Authority for Israel is the Legal Aid office of the Ministry of Justice. The Central Authority for the United States of America is the Office of Child Support Enforcement in the Department of Health and Human Services. The States may designate other public bodies to carry out the objectives of this MOU in coordination with the Central Authority.

3. All of the procedures contemplated by this MOU are to be provided without cost to the applicants.

4. The States will endeavor to cooperate in the development of a more detailed guide to the processing of cases between them.

5. This MOU shall be implemented and enforced solely by the States' domestic laws.

6. Implementation of this MOU is to begin on the date of the later notification by which the States inform each other that they have completed the necessary internal procedures for its implementation.


7. The States intend that this MOU remain in effect for three years and that it continue to be in effect thereafter unless either State gives notice in writing to the other State that it wishes to end its cooperation under the MOU.




10. The States should nevertheless endeavor to take all appropriate steps to complete ongoing procedures at the time this MOU ceases to be in effect.

Signed at Israel this 5 day of FEBRUARY 2009, which corresponds to the 11 of SEVAT 5769, in two original copies in English and Hebrew, the two texts being equally authentic. In case of a divergence in interpretation, the States intend that English text should prevail.

/s/

  
for the Government of the  
United States of America

/s/

  
for the Government of the  
State of Israel

## **Part B: Outgoing Child Support Packages from the U.S. to Israel**

The IV-D agency should send cases to Israel's Central Authority, the Legal Aid Department of the Ministry of Justice (Ministry). With any application sent to Israel, the petitioner must also execute and include a General Power of Attorney authorizing the Ministry to open a case and act on the applicant's behalf. The Ministry's Legal Aid Department provides free legal aid in domestic civil matters, including family law issues. Under the MOU, U.S. petitioners do not have to "qualify" for this service. The national Legal Aid Department reviews the application and supporting documents and forwards the case to the Legal Aid office in the district where the respondent resides. Each of the five district offices has an MOU specialist. (However, the national Legal Aid Department is the Central Authority and remains the contact point for all international cases.) The district Legal Aid office appoints an external private attorney to prepare and prosecute the MOU case in the appropriate civil family court. Every district office will identify a few individuals to serve as the petitioner's lawyer in MOU cases.

Israeli courts require a detailed "free form" petition setting out the legal and factual assertions to support the application. The Israeli appointed attorney will prepare the petition from the information contained in the application package the U.S. petitioner provides when the case is first sent to Israel.

Before the petition may be filed in an Israeli family court, the U.S. petitioner is required to review and attest to its accuracy via an affidavit of details. The petitioner must also execute a Specific Power of Attorney allowing the appointed lawyer to act on his/her behalf, and a Unified Family Court Form. These documents will be sent to the U.S. petitioner by the appointed attorney, *unless the IV-D agency specifically states that this procedure is not acceptable*. It is the Ministry's experience that such direct communication with the petitioner will allow cases to move faster and more efficiently. (A Specific Power of Attorney to Israeli Legal Aid Attorney is shown in Part E of the Guide; however it should not be completed until provided by the appointed attorney.)

Israeli evidence law requires certain documents to be signed by the petitioner in front of an Israeli official in order for the documents to be admissible in court. In MOU cases the "free form" petition, including the supporting affidavit of details, fall into this category. One existing, court-approved procedure in international cases is for the petitioner to sign before an Israeli consulate official in the U.S. Another is to sign before a U.S. notary who must in turn sign in front of an Israeli consulate official.<sup>1</sup> The Ministry recognized the challenge this notarization requirement presented to U.S. caseworkers. It worked diligently to ameliorate this evidentiary rule. In 2012 the Ministry was successful in classifying the notarization requirement as a procedural issue which the Ministry then had authority to change. As a result, effective July 25, 2012, it is **also** possible to sign in front of a notary public in MOU cases, as follows:

- The U.S. petitioner will sign the "free form" petition, including the supporting affidavit of details, provided by the Israeli attorney in front of a notary public, located at the IV-D office or elsewhere. In addition to notarizing the signature of the petitioner on the

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1. The following is a link in English to the website that contains the information about which consulate office serves each of the states, and a link to each consulate's website:

<http://www.mfa.gov.il/MFA/Sherut/IsraeliAbroad/Continents/North+America/United+States/>

required document, the notary also must copy the petitioner's identification (e.g., license or passport) and notarize the copy of the identification.

- The IV-D agency will have the petition/affidavit and the copy of the identification apostilled and sent to Israel.
- The documents are admissible in an Israeli court without the signature of an Israeli consulate official.

Caseworkers are advised that the respondent still has the right to challenge the admissibility of such documents.

Israel's law requires the applicant to be physically present for cross-examination. Appearance by teleconference is not permitted under current law and procedure. The Ministry will file a motion to exempt a U.S. petitioner from the requirement to appear. The Israeli courts almost universally waive this requirement at preliminary hearings, at which the overwhelming majority of child support cases are resolved. However, judges have broad discretion on such issues. Where applicable, the U.S. petitioner should provide information to support the Ministry's motion to exempt a U.S. petitioner from the requirement to appear. For example, the petitioner receives public assistance or is otherwise financially constrained.

Where Israel is being requested to enforce a U.S. support order, there are very limited grounds on which to contest the order. Therefore, there should be few circumstances in which the petitioner's personal appearance would be required.

Israeli officials recommend that the appointed lawyer be permitted to talk directly with the U.S. petitioner to expedite accurate and timely preparation of the petition. They were advised that communication should go through the state agency, though states are free to work out with Israel the most effective manner to ensure the pleadings prepared by the Israeli Legal Aid attorney are accurate.

In Israel, matters of family law are under the jurisdiction of the civil family courts or one of Israel's recognized religious courts.<sup>2</sup> Acquisition of jurisdiction by the civil courts - where most child support cases are heard - is on the basis of common law principles. The religious courts only have jurisdiction if the respondent is habitually resident in Israel and the other requirements are met: the parties are of the same faith; the matter relates to a divorce proceeding; one party requests for the case to be heard in the religious court; and, the opposing party consents. Both civil family court and religious court orders are fully enforceable under Israeli law. The religious courts lack authority over enforcement of foreign orders.

Cases filed by a U.S. custodial parent to Israel will be heard by the civil family courts.<sup>3</sup>

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<sup>2</sup> The recognized religions are Judaism, Islam, Christian denominations [Eastern (Orthodox), Latin (Catholic), Gregorian Armenian, Armenian (Catholic), Syrian (Catholic), Chaldean (Uniate), Greek Catholic, Melkite, Maronite, Syrian Orthodox, Evangelical Episcopal], Druze and Bahai.

<sup>3</sup> However, the Ministry does not have the authority to object to the transfer of the case to religious court where the criteria described above have been met, including the agreement of the parties.

## **Locate Requests**

In the case of a petitioner residing in the U.S. who wishes to file a claim in Israel, the IV-D agency may make a locate-only request to Israel's Central Authority in order to determine that the respondent is a resident of Israel. However, the Israeli government does not have federal locate authority and the Ministry does not have access to centralized locate information. The national Legal Aid Department will only be able to search the limited public documents available to it. If the state agency provides an Israeli ID number, the Central Authority is authorized to make a written request to the Ministry of the Interior for information in the population registry.

For full service cases from the U.S., the district Legal Aid office uses a private investigator to provide locate services. While this approach is generally sufficient to find a person, it may not be enough to locate assets if they are hidden.

## **Enforcement of a U.S. Order**

Israel has agreed to recognize and enforce a U.S. support order so long as the decision meets Israeli due process standards and is not manifestly incompatible with its public policy. The case will be filed in an Israeli civil court. Where enforcement of support and/or paternity orders is sought in Israel, the U.S. order or accompanying documentation must confirm notice of the hearing, and specify whether the obligor participated in the hearing. If the decision was entered by default, the order (or an accompanying original or certified document) must show that notice of the initiation of the proceeding and notice of the hearing were properly served on the respondent in accordance with the law of the issuing state.

Israeli authorities request that U.S. states provide a certified or verified copy of the order and a certified Hebrew translation of the order. The IV-D agency may certify the translation. If the U.S. child support order is part of a lengthy divorce decree or incorporated settlement agreement, at a minimum, the following must be translated into Hebrew: the first page, the page stating the information about the children for whom support is owed, the portion setting the support obligation, and the signature page(s). Please make sure the translated document also includes the legal basis for jurisdiction over the respondent. If the Israeli Court indicates that it requires a full translation to Hebrew, then the minimum translation must be replaced by a full translation.

The Israeli Supreme Court has held that for enforcement of any foreign order (not just involving child or family maintenance), the petitioner must provide an expert opinion to the court on the law of the foreign jurisdiction. The expert opinion must explain how the conditions necessary to establish the validity of the order and its suitability for enforcement have been met. The questions that need to be addressed in the opinion are similar to those that would be asked by a U.S. judge, such as: has the time for appeal of the foreign order lapsed; was the respondent given a chance to participate in the hearing that established the order. To reduce delay, the Certificate of Enforceability in Section E of this guide includes a checklist that addresses the applicable questions, including requesting several specific dates. The Certificate of Enforceability should be signed by the U.S. caseworker and will be offered as the required expert opinion on the enforceability of the support order.

A U.S. child support order will be enforced by Israeli authorities following a declaration of the Israeli Family Court that the order is enforceable under Article 3 of the Foreign Judgments Enforcement Law of 1958. Under Article 5 of this Law, a petitioner has five years from the date the foreign order was established to apply for its recognition and enforcement in Israel, unless there are exceptional circumstances or the countries have agreed to a different period. The

U.S.-Israel MOU does not contain a different period and the Family Court is expected to apply the five-year statutory bar unless exceptional circumstances are established. *Where the U.S. order was entered more than five years before recognition and enforcement is sought in Israel, the petitioner should set forth the reason for any delay beyond the five years and describe prior collection efforts and/or collections.* The Ministry is actively working to reduce the impact of this Israeli law.

Where arrears exist and payment has been made through the State Disbursement Unit (SDU), states may use the Existing Order Information and Sworn Statement of Arrears to which a certified copy of the official payment record should be appended.

Once the Israeli court declares the U.S. order valid, the order has the same effect and is enforced in the same way as an Israeli support order under Article 10(a) of the Foreign Judgments Enforcement Law, via the bailiff's office. Israeli law contains enforcement mechanisms for child support cases that are similar to those used in U.S. states, including attachment of real and personal property in the hands of the obligor or a third party or posting of a bond to secure the payment of the support obligation. Income withholding, for example from a salary, may be used provided the debtor has sufficient funds to support himself. Incarceration is also a possible means of enforcement.

### **Defenses**

Israeli law offers limited defenses to enforcement of a foreign judgment, as set out in section 6 of the Foreign Judgments law. One defense that may be claimed is that the order was fraudulently obtained (section 6(a)(1)). Another available claim is that the venue was improper (section 6(a)(3)). The five-year statute of limitations rule discussed above may also be presented as a defense by the obligor, or the family court may raise the issue on its own. This law applies at the initial step in determining whether Israel will recognize the foreign order. This provision is interpreted under Israeli common law and has been the subject of considerable litigation.

If the petitioner has taken enforcement actions, the court will evaluate the extent of those efforts and determine whether or not the foreign order is enforceable. When enforcing an older order, the petitioner and caseworker should detail enforcement efforts in the U.S. and elsewhere. The initial burden will be to persuade the Israeli private attorney that the facts support requesting enforcement. This "statute of limitations" rule appears akin to the equity defense of laches in U.S. law. (See the discussion under "Enforcement of a U.S. Order," above.)

After a foreign order is recognized, Israeli law requires that enforcement be sought within two years. If sought within that time, retroactive enforcement of arrears is permitted. If an obligee waits beyond the two years, relief will be granted only retroactive to the date relief was requested. Additionally, in certain circumstances, courts may lengthen the period.

Support is not paid through any Israel agency or court; therefore, it is recommended that the initiating agency monitor compliance by the obligor, particularly during the first two years after either a U.S. order is recognized or a new Israeli support order is entered. *Israeli officials will have no way to independently monitor the obligor's compliance.*

## Paternity and Support Establishment

Israel officials have explained that establishment cases filed by a U.S. custodial parent to Israel will be filed in the civil family courts. The habitual residence of the respondent determines the venue. Israel's choice of law rules state that the applicable law is that of the jurisdiction of the habitual residence of the child.<sup>4</sup> Accordingly, if the child resides in the U.S, and the respondent resides in Israel, the civil family court has jurisdiction and the law of the child's state of residence in the U.S. will be applied by the Israeli judge. Basic information on every state's child support guidelines and statutes on duration of the support order are available on the IRG <https://extranet.acf.hhs.gov/irg/welcome.html>. The Ministry will share this information with MOU specialists in the district Legal Aid offices and with the private attorney who may handle MOU cases. *However, the initiating state in the U.S. should provide copies of applicable state law with its petition* (for example, the duration of the support order and the guideline calculation form).

Ministry officials remind U.S. caseworkers that the MOU represents the first time Israel has undertaken international paternity and support establishment. Judges have broad discretion under Israeli law. It is the Ministry's opinion that U.S. substantive law applies in paternity and support establishment cases, while Israel's procedural rules apply. This is the accepted rule in enforcement cases. Nevertheless, there are obvious practical concerns when asking Israeli judges to establish paternity or child support orders based on the law of a U.S. state with which they have no familiarity. The Ministry will update OCSE if the family court rules otherwise on the choice of law issue and the Guide will be updated.

Under Israeli law, in domestic family law matters where the parties share a religion, the civil family court will apply the relevant personal law of that religion, adjusted to accommodate civil law protections. This duality of Israeli law may particularly impact paternity claims where the mother was married when the child was born.

### ▪ Paternity Establishment

Israeli law and procedures require that paternity be determined as a prerequisite to establishment of a child support order. Paternity may be assumed on the basis of marital status or by mutual voluntary acknowledgment of unmarried parents that is registered in the population registry within one year from the child's birth. If contested and/or not registered, paternity will be established by judicial determination.

#### By Operation of Law due to Marital Status

In Israel, there is a strong presumption that the husband is the legal father of a child born during the marriage. The name of the mother's husband will be automatically entered on the birth certificate as the father of the child and registered in the Population Registry. Technically, the presumption may be rebutted at any time, but in practice, Ministry officials advise that this almost never happens. The court may not order genetic testing unless "...it is convinced there is a real need for the test which is greater than the harm that might be caused as a result of the test."<sup>5</sup> Again, where the parties are of the same faith, the court will weigh, among other factors, the relevant personal or religious law in

<sup>4</sup> See section 17 of the Family Law Amendment 1959.

<sup>5</sup> Genetic Information Act 5761-2000 §28D(a) (2008 revision).

order to determine whether or not any challenge may be made to the husband's legal paternity.

#### Voluntary Acknowledgment

In the case of an unmarried woman, the biological father's name may be entered on the birth certificate and registered in the Population Registry with the consent of both biological parents. A parent's name on the birth certificate and registration at the Population Registry constitute *prima facie* evidence of paternity. This voluntary registry procedure is available for one year after the child's birth, after which registration in the Population Registry and changing the child's birth certificate may only be done by a court order.

#### Judicial Determination

Where paternity is contested, a judicial determination is required. The Legal Aid attorney files the pleadings and supporting documents with the family court. Paternity is generally established by genetic testing; however, the court must also consider whether the paternity determination is in the best interest of the child. In cases where the father is alleged to be someone other than mother's husband, an attorney may be appointed to represent the child. Under the Genetic Information Act of 2000, in determining parenthood, only the court may order DNA testing. Self-administered testing to establish paternity is neither permitted nor admissible. Where testing is not obtained or obtainable, paternity is determined by the Family Court after a full hearing.

Services under the bilateral agreement are cost-free to the petitioner, including genetic testing.

#### ▪ **Genetic Testing**

Israel has very strict procedures applicable to genetic testing. Domestically, a Ministry of Health laboratory conducts the testing of both parties and the child at the same time. Exceptions have been made for a party living abroad by requiring the testing to take place at the Israeli consulate in that country. The consulate confirms the identity of the person(s) tested and sends the sample to the Israeli lab (retaining a second sample in case there is a problem).

Ministry officials are working with the Ministry of Health and other government officials to resolve the consulate-only testing procedure. OCSE has shared with Israel the accreditation standards for U.S. labs and standard chain of custody procedures in U.S. interstate cases and methods used in other international cases. The U.S. caseworker or agency lawyer may wish to first consult with the Ministry as to the best way to proceed. Where testing is done in the U.S., the genetic test results must be apostilled in order to be admitted as evidence in an Israel court proceeding.

#### **Child Support Establishment**

Where paternity is not an issue or has been resolved, support will be established by the family court after a judicial hearing. The judicial proceeding is initiated by filing a claim, allowing 30 days for a response. As discussed earlier, the petitioner must sign a Specific Power of Attorney

authorizing the appointed Israeli Legal Aid attorney to act on behalf of the petitioner. *This Specific Power of Attorney form authorizes the attorney to enter a consent order binding on the petitioner, and may be amended if the agency requests, to state that no consent order may be made without the express consent of the U.S. child support agency.*

In the family court, child support obligations are established based on the child's needs and the resources and expenses of both parents.<sup>6</sup> As discussed above, the Ministry's opinion is that Israel's choice-of-law rules direct the court to establish child support based on the substantive law of the child's habitual residence; though it is unclear how the Israeli courts ultimately will rule on this issue. Based on the experience with MOU cases to date, Israeli courts are requiring the Israeli lawyer to file supporting documentation establishing the children's expenses claimed in the petition. Such documentation may include actual receipts for expenses claimed, rental contracts, insurance statements, utility bills, etc.

For the appointed Israeli private lawyer to accurately complete the petition, U.S. caseworkers must provide the completed General Testimony form, including Section 10 specifying the requested support amount needed to meet the child's needs. These needs include medical support. As appropriate, the court may order a set amount of cash medical support or a percentage of the child's medical costs as part of the overall child support obligation.

An Israeli court may dismiss a petition for retroactive support if there is no satisfactory reason for the petition to include past-due support. A petitioner may request up to one year retroactivity prior to filing the action if he/she can satisfactorily explain why support was not previously requested.

There is no administrative process for establishing support orders. However, voluntary maintenance agreements may be recognized by the court. The court must verify that the agreement satisfies the best interests of the child, that the parties made the agreement of their own free will, and that it complies with the Family Law Amendment Law (Maintenance). If the court finds that the maintenance agreement meets these requirements, it may give it the effect of a court order.

Once child support is ordered, payment will be made directly from the obligor to the creditor in the U.S. Israeli officials indicated that the appointed Israeli lawyer will request the court to make the order payable through the state IV-D agency at the SDU address. Payments are typically made through paper checks or electronic payments (i.e., SWIFT<sup>7</sup>). The Israel Central Authority does not serve as a central collecting point and does not monitor payment of support.

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<sup>6</sup> A committee appointed by the Israeli Minister of Justice is working on a new national child support guideline. It is expected to consider U.S. guideline models and take into consideration parenting time. Once completed, it must be presented to and adopted by the Knesset (Israel's Parliament).

<sup>7</sup> SWIFT stands for the Society for Worldwide Interbank Financial Telecommunication.



## Modification of an Israel Order

Upon request, Israel's Central Authority will appoint an attorney to file a petition to modify a support order entered by an Israeli court even though one of the parties has moved to the U.S. The support order is based on Israeli law, the child's needs, and the resources and expenses of both the parents.<sup>8</sup>

Further information about Israel policy and procedures may be found in the policy template in Part D of this guide.

## Forms

Consistent with the MOU, Israel and the U.S. have agreed to accept service requests on bilingual international forms, attached at the end of this guide under Part E. The bilingual international forms are in English and Hebrew. Forms are versions of the federally approved case processing forms used in interstate cases, together with a few additional forms required by Israel.

Please note that while the headings for the various data elements on these forms are in both English and Hebrew, the information itself needs to be in a language acceptable to the responding tribunal, Hebrew. While proper names need no special treatment, care must be taken that other information (e.g., eye color) is translated and that currency of money is identified.

The following chart, ***Forms from the U.S. to Israel***, summarizes the forms that need to be sent to Israel to process various case actions.

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<sup>8</sup> If the support order originated in the religious court, and the petitioner requesting modification wishes it to be heard in the family court, or vice-versa, the petitioner must explain the reasons for wanting to change the Israeli forum and enclose supporting documents, including the original petition for support and the support order. The lawyer appointed to represent the petitioner will decide which forum is proper, after consultation with Israel's Central Authority, as necessary.

## Forms from the U.S. to Israel

**IF the person in the U.S. wants to ... THEN complete these bilingual forms and documents ...**

Establish a new (initial) support assessment/order in Israel, including the establishment of paternity

Step One: (U.S. sends the following forms to initiate the case)

- Transmittal and Acknowledgment
- General Power of Attorney to Israel Ministry of Justice Department of Legal Aid (signed by the petitioner in the U.S.)
- General Testimony
- Uniform Support Petition (specify that child is in the U.S. and U.S. does not have jurisdiction to hear the case)
- Affidavit in Support of Establishing Parentage (where applicable)
- Supplemental narrative case information describing the circumstances of the case (optional)

Step Two: (U.S. petitioner receives the following documents from the Israeli attorney, signs and notarizes them using one of the options described on pages 4-5 of this Caseworker Guide, and sends them back)

- Specific Power of Attorney to Israeli Legal Aid Attorney (the lawyer assigned to a specific case in Israel will generate, sign and send this form to the U.S. This form must be signed by the petitioner in the U.S.)
- Affidavit of Detail (“free form” petition prepared by lawyer in Israel; the lawyer assigned to a specific case in Israel will create this affidavit based on the information submitted in Step One; this affidavit must be signed and notarized by the petitioner in the U.S. either 1) at the IV-D agency and apostilled or 2) before an Israeli consulate official.)  
*NOTE: If not provided in Step 1, petitioner must also provide supporting documents that show the amounts claimed for child support are actual expenses. Such documentation may include actual receipts for expenses claimed, rental contracts, insurance statements, utility bills, etc.*
- Unified Form of Family Court (application form from Israeli Family Court)

**NOTE:** The Israeli court may request a narrative explanation of how U.S. guidelines and duration of support laws would be applied to determine a specific order amount and duration of the order for this specific case and requested action. States may want to include the guidelines worksheet. **State law information does NOT have to be translated into Hebrew.**

<b>IF the person in the U.S. wants to ... THEN complete these bilingual forms and documents ...</b>	
Enforce an order or agreement established in Israel	<p><u>Step One:</u> (U.S. sends the following forms to initiate the case)</p> <ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• General Power of Attorney to Israel Ministry of Justice Department of Legal Aid (signed by the petitioner in the U.S.)</li> <li>• Existing Order Information &amp; Sworn Statement of Arrears (including copy of the Israeli order)</li> </ul> <p><u>Step Two:</u> (U.S. petitioner receives the following documents from the Israeli attorney, signs and notarizes them using one of the options described on pages 4-5 of this Caseworker Guide, and sends them back)</p> <ul style="list-style-type: none"> <li>• Specific Power of Attorney to Israeli Legal Aid Attorney (the lawyer assigned to a specific case in Israel will generate, sign and send this form to the U.S. This form must be signed by the petitioner in the U.S.)</li> </ul>
Register and enforce an existing U.S. order in Israel	<p><u>Step One:</u> (U.S. sends the following forms to initiate the case)</p> <ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• General Power of Attorney to Israel Ministry of Justice Department of Legal Aid (signed by the petitioner in the U.S.)</li> <li>• Original or certified copy of the existing U.S. order and Hebrew translation of the U.S. order</li> <li>• Certificate of Enforceability (or any equivalent form issued and signed by the issuing tribunal)</li> <li>• Existing Order Information &amp; Sworn Statement of Arrears</li> </ul> <p><u>Step Two:</u> (U.S. petitioner receives the following documents from the Israeli attorney, signs and notarizes them using one of the options described on pages 4-5 of this Caseworker Guide, and sends them back)</p> <ul style="list-style-type: none"> <li>• Specific Power of Attorney to Israeli Legal Aid Attorney (the lawyer assigned to a specific case in Israel will generate, sign and send this form to the U.S. This form must be signed by the petitioner in the U.S.)</li> <li>• Affidavit of Detail ("free form" petition prepared by lawyer in Israel; the lawyer assigned to a specific case in Israel will create this affidavit based on the information submitted in Step One; this affidavit must be signed and notarized by the petitioner in the U.S. either 1) at the IV-D agency and apostilled or 2) before an Israeli consulate official.)</li> <li>• Unified Form of Family Court (application form from Israeli Family Court)</li> </ul>

IF the person in the U.S. wants to ... THEN complete these bilingual forms and documents ...	
Request modification of an existing Israel Order or Agreement	<p><u>Step One:</u> (U.S. sends the following forms to initiate the case)</p> <ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• General Power of Attorney to Israel Ministry of Justice Department of Legal Aid (signed by the petitioner in the U.S.)</li> <li>• General Testimony (as necessary to support request for modification)</li> <li>• Uniform Support Petition (specify that child is in the U.S.)</li> <li>• Narrative explanation of the circumstances prompting the request to modify an order (optional)</li> </ul> <p><u>Step Two:</u> (U.S. petitioner receives the following documents from the Israeli attorney, signs and notarizes them using one of the options described on pages 4-5 of this Caseworker Guide, and sends them back)</p> <ul style="list-style-type: none"> <li>• Specific Power of Attorney to Israeli Legal Aid Attorney (the lawyer assigned to a specific case in Israel will generate, sign and send this form to the U.S. This form must be signed by the petitioner in the U.S.)</li> <li>• Affidavit of Detail (freehand petition prepared by lawyer in Israel; the lawyer assigned to a specific case in Israel will create this affidavit based on the information submitted in Step One; this affidavit must be signed and notarized by the petitioner in the U.S. either 1) at the IV-D agency and apostilled or 2) before an Israeli consulate official.)</li> <li>• Unified Form of Family Court (application form from Israeli Family Court)</li> </ul>
Locate a person or provide leads to assets in Israel.	<ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• Locate Person/Assets (provide an Israeli ID number for person sought) (Note: There is very limited locate authority/resources in locate only cases.)</li> </ul>

## **Part C: Incoming Child Support Packages from Israel to the U.S.**

After determining that the application and the relevant documents are sufficient, Israel's Ministry of Justice will send the case to the specific state in which the debtor resides. As with other international agreements, the physical presence of the child or custodial parent may not be required to establish a support order and enforce a case.

As previously mentioned, in Israel, matters of family law are under the jurisdiction of the civil family courts or the religious courts. The Israeli Legal Aid Department handles both civil and religious court orders. Ministry officials report that 80-90 percent of Israeli domestic cases are heard in the civil family court. Where the parties are of the same religion, the civil family court will apply the relevant personal law of that religion but incorporate civil law protections, such as gender equality.

Overwhelmingly, incoming Israeli cases will involve orders from the civil family courts. However, in rare instances, the U.S. may receive an order from the Israeli religious courts. For example, if both spouses belong to one of the recognized religions, the religious courts would have jurisdiction and the religious or *personal* law of the parties would apply.<sup>9</sup> If the spouses do not belong to the same recognized religion, then the civil court has jurisdiction and civil law is applicable. Orders from all religious courts are enforceable in Israel in the same way as orders from the civil family courts, i.e. they are executed by the process and offices of the civil courts. Israeli law does not require civil courts to "approve" religious court orders before they are enforced or enforceable. As with civil family court orders, payments are made directly from the obligor to the obligee. On a case-by-case basis, after the child is 18, the court may order the support to be paid directly to the child.

### **Payments to Multiple Cases**

Payments to multiple cases must be processed separately. Payments should be made payable to and sent directly to each creditor by the IV-D agency.

### **Hearing Notification**

If a hearing is to be held in the U.S. state, Israel requests that the notice of the hearing be sent through the initiating Ministry of Justice in Israel, not directly to the petitioner. The Ministry will notify the Israeli party.

### **Medical Support**

With respect to a child's medical needs, every resident of Israel is entitled to health services under the National Health Insurance Law. It should be noted that in Israel it is common to pay a medical insurance supplement to receive extra coverage than that provided by law. Thus, the respondent may be ordered to pay for all or part of the supplement. In the case that a child resident in Israel has special medical needs not covered by the law, or by the extra coverage when relevant, the court may make an order for a respondent to pay half of the uncovered

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<sup>9</sup> Every religious court has an appellate religious court and the parties may appeal from the appellate religious court to the Israel Supreme Court.

medical costs. Instructions regarding payment for medical coverage and/or expenses will be included in the court order.

### **Small Payment Amounts**

Because the cost of cashing a support payment check may exceed the amount of a small payment, Israel suggests that, in individual cases, the custodial parent may request that small payments be held and forwarded as a combined payment. A IV-D agency may obtain permission from the Israeli custodial parent to send payments using an alternative disbursement timeframe, e.g. bi-weekly, monthly, bi-monthly. The IV-D agency needs to document the custodial parent's consent in its records (see PIQ-04-01 at <http://www.acf.hhs.gov/programs/css/resource/processing-cases-with-foreign-reciprocating-countries>).

### **U.S. Locate**

If the state in which the support obligor is living is unknown, Israel may send a request to the U.S. Central Authority, i.e., the Federal Office of Child Support Enforcement (OCSE). OCSE will use the Federal Parent Locator Service to try to locate the state in which the support obligor resides.

### **Enforcement of Israeli Order**

The U.S. has agreed to recognize and enforce an Israeli support order so long as the decision meets U.S. due process standards and the order's validity or enforceability is not successfully contested on grounds set forth in §607 of UIFSA. Should a respondent in the U.S. contest registration of an Israeli order based on due process or other grounds, the U.S. tribunal (not the caseworker or agency) will determine whether due process requirements of the U.S. Constitution have been satisfied and the Israeli order must be recognized and enforced.

Under Israeli law, if a respondent cannot be personally served, the court may order notice by replacement service, such as publication or posting at the party's habitual residence. If the respondent has left Israel before notice, the petitioner will apply to the court to order that notice to the respondent be done outside of Israel. For enforcement purposes, there is no difference between court orders from the family courts or the religious courts.

If the U.S. tribunal refuses registration, the U.S. caseworker or agency lawyer should consult with the Ministry to discuss legal options, including requesting the U.S. tribunal to establish a new U.S. support order, retroactive to the period permitted under state law.

### **Forms**

The following chart, *Forms from Israel to the U.S.*, summarizes the forms that Israel will send to the U.S. to process various case actions. Israel has agreed to use the attached bilingual English and Hebrew forms to initiate service requests to the U.S. U.S. caseworkers should find the forms familiar because, even though they are in two languages, the forms are very similar to those used in domestic interstate UIFSA cases.

## Forms from Israel to the U.S.

IF the person in Israel wants to ...	THEN complete these bilingual forms and documents ...
Establish a new (initial) support assessment/order in the U.S. including the establishment of paternity	<ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• Uniform Support Petition</li> <li>• General Testimony, with supporting documentation/evidence including verification that no other enforceable support order exists (see discussion in Guide)</li> <li>• Affidavit in Support of Establishing Parentage (where applicable)</li> <li>• Locate Person/Assets (if applicable)</li> </ul>
Register and enforce an existing Israeli order in the U.S.	<ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• 2 copies of the existing order (translated) - including a verified copy from the issuing court (or a certified copy)</li> <li>• Locate Person/Assets (if applicable)</li> <li>• Existing Order Information &amp; Sworn Statement of Arrears</li> </ul>
Request modification of an existing U.S. Order or Agreement	<ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• 2 copies of the existing order (translated) - including a verified copy from the Ministry of Justice or the issuing court (or a certified copy)</li> <li>• Uniform Support Petition</li> <li>• General Testimony (only sections applicable to reason for modification and recalculation of support), with supporting documentation/evidence</li> <li>• Locate Person/Assets (if applicable)</li> </ul>
Locate a person or provide leads to assets in the U.S.	<ul style="list-style-type: none"> <li>• Transmittal and Acknowledgment</li> <li>• Locate Person/Assets</li> </ul>
Request status, assistance, or information (ex: requesting income information for a modification, service of process, etc.)	<ul style="list-style-type: none"> <li>• Transmittal</li> </ul>

**Part D: Policy for Israel**

<b>AGE OF MAJORITY</b>	
Age of majority in Israel	18 (Article 1(a) of the Family Law Amendment)
If not stated in the order, at what age is child support automatically terminated as a matter of Israeli law? Qualify, if necessary.	Parents must provide support until a child turns 18 years of age, unless the child enters into mandatory unpaid military or national service or a combined study/military service program, in which case it will continue until the age of 21 (one third of the amount).
Does child support end if the child leaves the household but does not emancipate?	There is no emancipation of children in Israel. If a child leaves the household he is considered a minor in need, and his parents are still liable to pay for his support. The amount of support ordered reflects the real needs of the child; thus, for example, if the child lives in a children's home, it would be much lower than if he lived with a parent.
Does Israel allow support to be paid beyond the age of majority under any circumstances (for example, the child is handicapped or in post-secondary education)?	See above. An adult child may file a petition to receive maintenance from a parent under sections 4 and 5 of the Family Law Amendment Law. (In any event, an adult child with a disability receives a disability allowance from the National Insurance Institute.)
<b>SERVICE OF PROCESS</b>	
Check which of the following methods are used to serve process on an individual	<input checked="" type="checkbox"/> personal service by an official from the civil or religious court; official notification at the respondent's domicile (civil family court only); <input checked="" type="checkbox"/> registered mail (receipted by anyone over 18 at the address); or <input checked="" type="checkbox"/> publication - if address is not known, publish once in 2 newspapers
How is a non-resident or person whose whereabouts are not known, notified of proceedings?	The court will order the publication of the proceedings in accordance with the Rules of Civil Procedure.
<b>STATUTE OF LIMITATIONS</b>	
Is there a statute of limitations for past-due support? If yes describe.	Regarding U.S. orders, section 5 of the Foreign Judgments Enforcement Law of 1958 provides a 5-year statute of limitations for enforcement of an order, unless the court determines there are special reasons justifying the delay.
Is there a statute of limitations for establishing paternity? If yes describe.	No.



Will Israel accept a petition if the only request is to establish a support order for a prior period; that is, where ongoing child support is not due?	Yes. There is no restriction to preclude a retroactive support only petition. Without special court order, retroactivity is limited to one year prior to filing the petition.
<b>AMOUNT OF SUPPORT</b>	
How is the amount of support determined? (examples: by formula, % of income, tribunal discretion, etc.)	There are no guidelines to determine the amount of maintenance; rather it is established by the court on a case-by-case basis. The court may examine the resources of the parents and the expenses of the children.
Does Israel allow for support for a period before the parent applied? If yes, what is the period allowed (for example, from the birth of the child, from date of separation, retroactivity support is limited to X years, etc.)	Retroactive support is in accordance with the relevant statute. In civil family court, a support petition requesting support for a period prior to one year before the date the legal request for support was made <i>may</i> be dismissed. (Article 11(a) of the Family Law Amendment). It is possible in religious court proceedings, or where a civil court judge has found the limitation on retroactivity inappropriate, for a support order to be entered back to the child's birth.
<b>MODIFICATION OF ORDERS</b>	
May either party request a review for modification?	Yes.
Will Israel modify its existing domestic judgment when one of the parties resides in the U.S.?	Yes.
Does Israel law require <u>automatic</u> adjustments (for example, based on changes in the cost of living, or X% every 3 years, etc.)?	No.
If yes, are the automatic adjustments considered to be modifications of the order?	N/A
Is a new order issued as a result of an automatic adjustment?	N/A
Is there a minimum or threshold amount of change that must occur before a modification is made? (For example, the order would need to change by 25 dollars or more, or at least 10% change in order.)	There is no set minimum or threshold. The court may refuse to entertain an application for modification filed less than six months after a previous application. (Article 13(b) of the Family Law)

**COST RECOVERY**

What costs, if any, are recovered from the custodial parent?	None. Israel will provide free of charge all services necessary to recognize and enforce U.S. orders and to establish new orders for U.S. applicants, including the establishment of paternity. One exception is if the respondent is found not to be the child's father, the court may order the petitioner to pay his legal fees if the claim is found to be frivolous.
What costs, if any, are recovered from the noncustodial parent?	The court may order recovery of court fees and the cost of genetic testing.

## ***Part E: Bilingual International Forms for Israel***

These bilingual international forms for Israel are available on the OCSE website:  
<https://www.acf.hhs.gov/programs/css/resource/israel-frc>.

- [AFFIDAVIT IN SUPPORT OF ESTABLISHING PARENTAGE](#)
- [CERTIFICATE OF ENFORCEABILITY](#)
- [EXISTING ORDER INFORMATION & SWORN STATEMENT OF ARREARS](#)
- [GENERAL POWER OF ATTORNEY](#) TO MINISTRY OF JUSTICE,  
LEGAL AID DEPARTMENT
- [GENERAL TESTIMONY](#)
- [LOCATE PERSON/ASSETS](#)
- POWER OF ATTORNEY ([ENGLISH](#)) ([HEBREW](#))
- [REGISTRATION STATEMENT](#)
- [TRANSMITTAL AND ACKNOWLEDGMENT](#)
- [UNIFORM SUPPORT PETITION](#)