CROSS BORDER CHILD SUPPORT ENFORCEMENT

NATIONAL REPORT – ITALY

Ministry of Justice
Department of Juvenile and Community Justice
IV Office of the Head of Department

Elena Fiorini, Director of Central Authority

The Italian Central Authority: Role & Mission

- Established within the Department of Juvenile and Community Justice (Office IV)
- An administrative body
- Mission: To ensure effective protection of rights

Two Pillars of Legal Framework

European Union

Regulation EC No 4/2009

- Scope: EU Member States
- Abolition of Exequatur (Direct Enforceability)
- Focus: Speed & Free Circulation
- Legal Aid: Automatic for children < 21

Global / Non-EU

Hague Convention 2007

- Scope: Non-EU (USA, UK, Brazil, etc.)
- Mechanism: Administrative Cooperation
- Requires Formai Recognition
- Legai Aid: Means-tested / Reciprocity

2024 Statistical Snapshot

INCOMING

580

Total Cases

(528 EU + 52 Hague)

OUTGOING

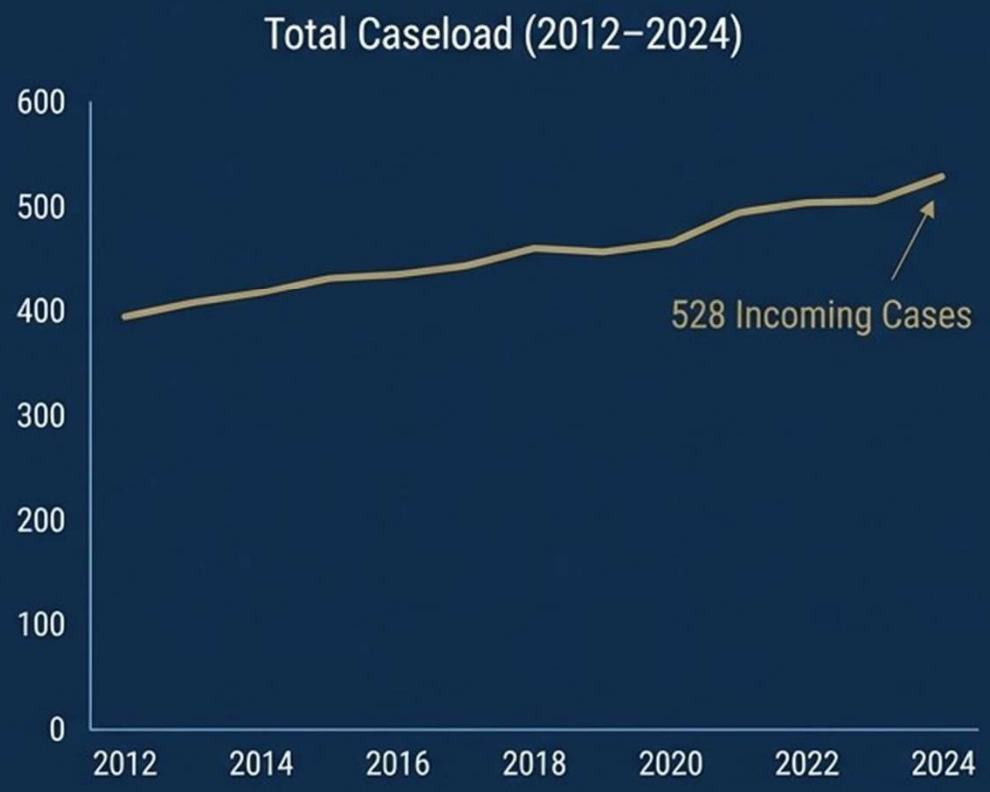
46

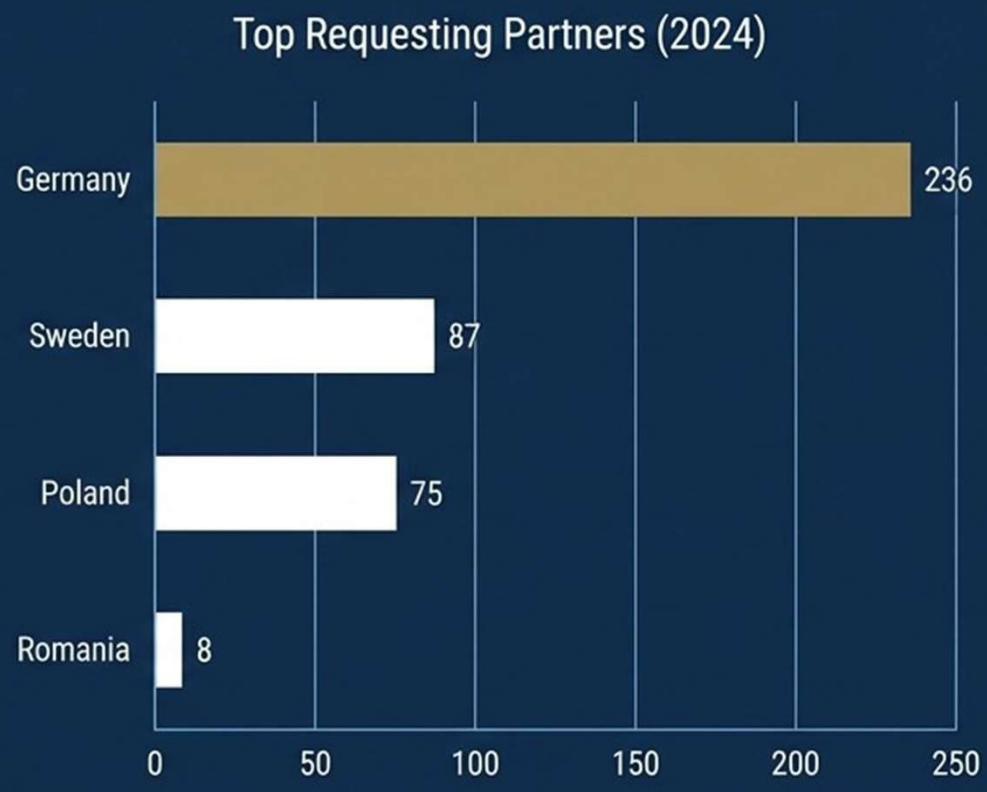
Total Cases

(32 EU + 14 Hague)

EU Regulation 4/2009: Incoming Cases

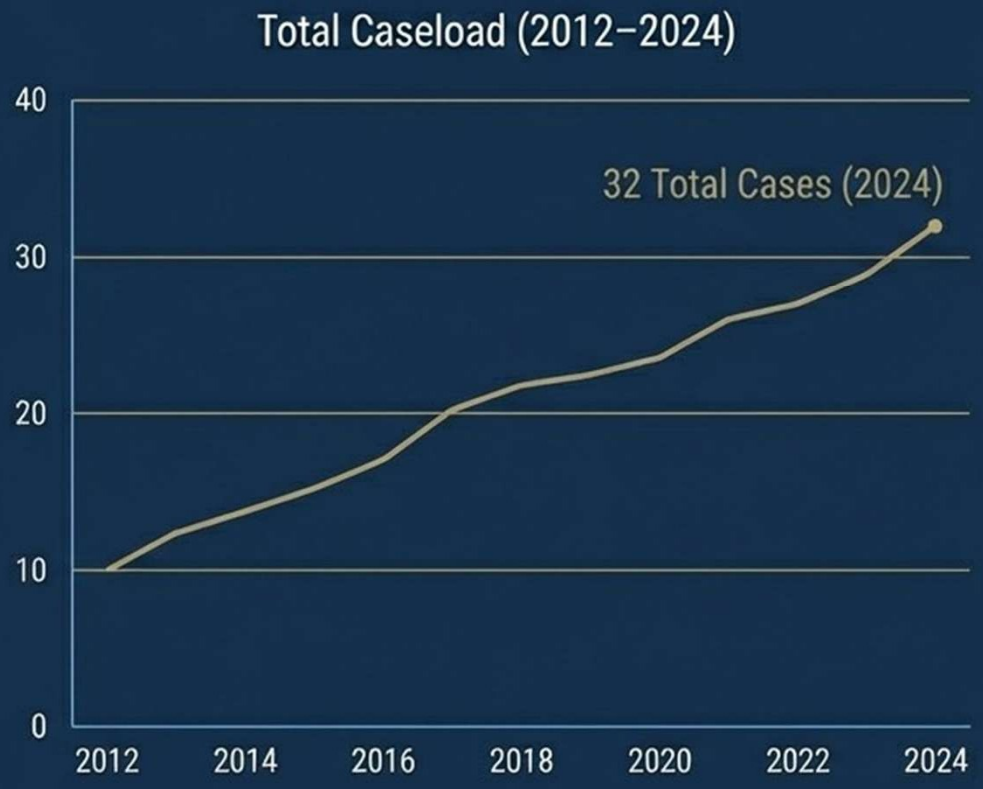
Requests from Foreign Authorities for Enforcement in Italy





EU Regulation 4/2009: Outgoing Cases

Requests Activated by Italy for Enforcement Abroad



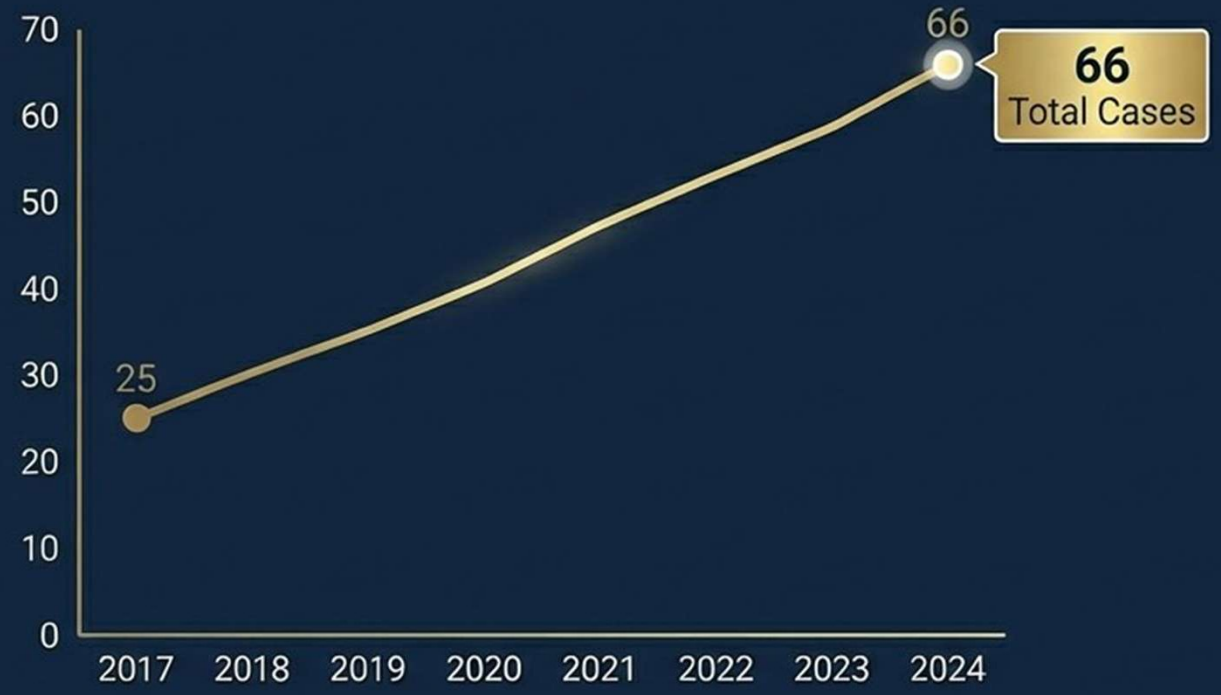
Germany: 12
France: 8
Romania: 5

Ratio 16:1
(Incoming vs Outgoing)

Hague Convention 2007: Incoming Cases

Global Requests for Enforcement in Italy

Total Case Volume (2017-2024)



Top Partners 2024

- United States: 14 Incoming
- Norway: 13 Incoming
- United Kingdom: 8 Incoming (Post-Brexit)
- Brazil: 5 Incoming

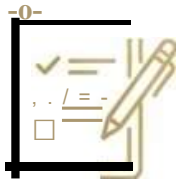
The Recovery Procedure: Outgoing Workflow

1. Applicant Interview
2. Dossier Preparation
3. Transmission (iSupport)
4. Monitoring Phase
5. Resolution & Transfer

The Recovery Procedure: Incoming Workflow

Step 1 & 2: Assessment & Amicable Settlement

Step 1: Assessment



Verification of the cooperation application.

Review of supporting documentation (EU Regulation vs. Hague Convention compliance}.

Step 2: Amicable Settlement

Action: Sending formai notice to the debtor.

Goal: Voluntary compliance with outstanding obligations.

Outcome: lf unsuccessful, proceed to Asset Tracing.

Step 3: Asset Tracing Mechanisms

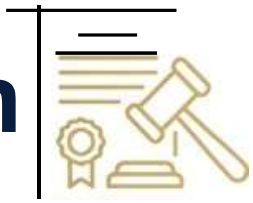
Trigger: Failed attempt at amicable settlement.

Authority: Guardia di Finanza (Tax Police).

Methodology: Investigation based on debtor's residence to determine financial and asset situation.

Output: Comprehensive solvency report.

Step 4: Legal Aid & The Bar Association



Application submitted to the competent Bar Association.

If no lawyer appointed, applicant selects from dedicateci list.

Application Submitted

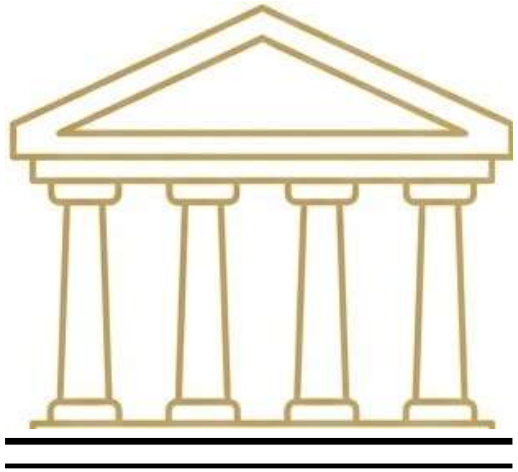
Standard Response: 1-3 Months

Complex Cases: >1 Year

Delays persist despite Centrai Authority reminders.

Step 5: Judicial Enforcement Phase

- **Handover:** Transmission of Enforceable Title and formal notice to lawyer.



- **Action:** Enforcement under Italian Code of Civil Procedure.

- **Article 492-bis cpc:** Asset investigations and service of payment arder.

- **Variables:** Lawyer experience, debtor opposition, and debtor financial capacity.

/SI NotebookLM

Focus I: Public Bodies & Power of Attorney

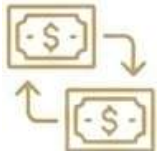
Representative of the Child

Basis: Parental mandate.

Restriction: Public bodies cannot apply for minors (Reg 4/2009) unless decision is unenforceable (Hague).

Subrogation

Basis: Recovering state maintenance advances.

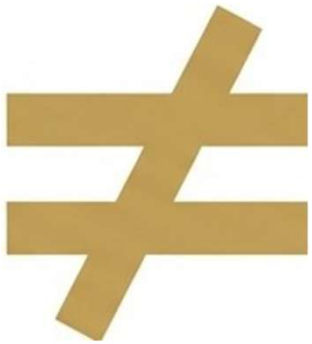


Requirement: a) Must previde decision granting advance AND proof of payment. b) power of attorney signed and authenticated by the legal representative with the indication of the legal source of this power

****Judicial Risk: Courts revoke legal aid if proof of payment is missing.****

Focus II: The 'Certain & Liquid' Requirement

Foreign Judgment
(e.g., 25% of income)



Italian Requirement
(Fixed Sum)

- Conflict: Percentage-based orders are not objectively determinable
- Article 474 CPC: Enforcement requires a quantified sum
- Solution: Additional judicial decision needed to fix precisely the sums owed

Future Perspectives: Mediation

Pilot Project:
Cross-border family mediation

Goal
Sustainable, amicable settlements

Contacts

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