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Enforcement of Child Support in the HCCH 2007 Convention

DIJUF Child Support Forum

28 January 2026

Agenda

- Introduction
- Central Authority system
- Enforcement under the Convention
- Transfer of funds

2007 HCCH Child Support Convention

- *Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance*
- “Need for procedures which produce results and are accessible, prompt, efficient, cost-effective, responsive and fair”
- Binds the EU (Denmark ratified in 2025)
- The UK was bound by the EU’s approval in 2014, it ratified the Convention with effect on 1 January 2021
- 56 Parties, soon 57

Central Authority system

- Parties to the Convention are required to set up a Central Authority. They shall
  - Cooperate with each other and promote cooperation amongst the competent authorities in their States
- Central Authorities shall provide assistance in relation to applications and shall in particular
  - Transmit and receive such applications
  - Initiate or facilitate the institution of proceedings in respect of such applications
  - And take all appropriate measures to (in particular)
    - Facilitate the ongoing enforcement of maintenance decisions, including any arrears
    - Facilitate the collection and expeditious transfer of maintenance payments
- Under the Convention, it is also possible to present direct requests to courts, outside of the Central Authority system (Art. 37)

Art. 23 procedure for recognition and enforcement

- The requested Central Authority shall promptly either -
  - refer the application to the competent authority which shall without delay declare the decision enforceable or register the decision for enforcement; or
  - if it is the competent authority take such steps itself.
- A declaration or registration may be refused only on public policy grounds (“intolerable result”, “a discrepancy of any kind with the internal law is not sufficient”, “review on the merits is explicitly forbidden under the Convention” (Explanatory Report))
- The applicant and the respondent shall be promptly notified of the declaration or registration, or the refusal thereof, and may bring a challenge or appeal on fact and on a point of law

Art. 24 alternative procedure for recognition and enforcement

- Competent authority shall act expeditiously
- Decision on recognition and enforcement by competent authority after respondent duly and promptly notified of the proceedings and both parties have been given an opportunity to be heard
- Wider ex officio review by the competent authority
- Competent authority may review any other grounds if raised by the respondent or if concerns relating to those grounds arise from the face of the documents submitted in accordance with Article 25

General matters

- Signatures + certified copies
  - No requirement that an application be signed - attestations are provided for under each application
  - As a general rule, accompanying documents do not need to be certified (simple copies are sufficient)
  - In certain circumstances the competent authority or the respondent may request that certain documents be certified
  - A State may make a declaration to the effect that it requires certified copies of documents in all circumstances

Enforcement by the requested State – Arts 32 and 33

- Enforcement shall take place in accordance with the law of the requested State
- Enforcement shall be prompt
- In the case of applications through Central Authorities, where a decision has been declared enforceable or registered for enforcement, enforcement shall proceed without the need for further action by the applicant
- Effect shall be given to any rules applicable in the State of origin of the decision relating to the duration of the maintenance obligation
- Any limitation on the period for which arrears may be enforced shall be determined either by the law of the State of origin of the decision or by the law of the State addressed, whichever provides for the longer limitation period
- The requested State shall provide at least the same range of enforcement methods for cases under the Convention as are available in domestic cases

Enforcement by the requested State – Transfer of funds – Art 35

- Parties to the Convention are encouraged to promote, including by means of international agreements, the use of the most cost-effective and efficient methods available to transfer funds payable as maintenance
- A Contracting State, under whose law the transfer of funds is restricted, shall accord the highest priority to the transfer of funds payable under the Convention

Recent HCCH work on transfer of funds

- “Creditors should not bear the costs related to the transfer of funds and should receive the full amount in accordance with the maintenance decision”
- Check the conversion rate at the time of transfer to a creditor abroad
- Explore possibility with debtor that the amount to be paid in the debtor’s currency will vary from one month to another, based on the exchange rate
- Provide information to Central Authority and national chamber on amounts recovered

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