Child support in The Netherlands

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When and to whom?

- Enforceable title (indexed)

- Child:

- From 0-18 (to parent)
- From 18-21 (to child)

Enforced by …

- The Judicial Officer

  (gerechtsdeurwaarder)

- National Maintenance Collection Agency

  (Landelijk Bureau Inning Onderhoudsbijdragen (LBIO))

National maintenance collection agency

- Both spousal maintenance and child maintenance.
- Attachment on income only.

Article 475 Code of Civil procedure

The attachment of claims which the judgment debtor may have against third parties or will acquire directly from a legal relationship existing at the time of the attachment (...) shall be effected by a judicial officer's writ which, in addition to the ordinary formalities, shall include, on pain of nullity (...)

Article 479b Code of Civil procedure

The attachment to recover a maintenance payment pursuant to Book 1 of the Civil Code (....), including the amount due for the care and upbringing of a minor as well as the attachment to recover a benefit by virtue of article 84, paragraph 2, of Book 1 of the Civil Code, owed by one partner to the other, shall, if the attachments are levied on wages or other periodical benefits which the executor may claim from a third party, be levied and prosecuted in the manner and with the consequences stipulated in the preceding section, insofar as this section does not deviate therefrom.

Article 479e Code of Civil procedure

From the day of the attachment, the third-party garnishee shall be obliged, for as long as the executor so requires, to pay to the executor to the extent that he owes wages or other periodic benefits to the executor the amount in arrears declared by the executor and the instalments of the benefit for whose recovery the attachment has been levied, unless an attachment may be levied against him on account of claims of higher or equal rank.

Article 479g Code of Civil procedure

If the child protection board is the executor or, if pursuant to the provisions of article 408, paragraph 2, of Book 1 of the Dutch Civil Code, the National Maintenance Collection Agency is charged with the collection of maintenance, it may make this attachment either in the usual manner or by notifying the third party garnishee of the order in writing. In the latter case, the latter shall return that written notification signed 'as seen' to the Child Protection Board or the National Maintenance Collection Agency. Only by this return shall the attachment be completed. If the attachment is made in this manner, the powers and obligations conferred on the judicial officer in Sections 475g, 475ga, 475gb and 475i, second to fifth subsections, shall accrue equally to the Child Protection Board or the National Maintenance Contributions Board.

Challenges

- cumulative attachment requires sharing

  (article 479e doesn’t work)
- Who will devide the proceeds?
- Priority

  (starting 1 July 2025)

Retrieving the child

- ***Article 812 Code of civil procedure***:

Every order concerning the exercise of parental authority over minors, including orders pursuant to Sections 253s, 265b, 326 and 336a of Book 1 of the Civil Code, shall by operation of law entitle the person to whom such minors are temporarily or permanently entrusted pursuant to the order to have such minors handed over to him, if necessary with the assistance of the police.