

Important Contact Information for the international recovery of maintenance:

Central Authority of the Netherlands, National Office for the Collection of Maintenance Payments (Landelijk Bureau Inning Onderhoudsbijdragen - LBIO), Marten Meesweg 109-111, P.O. Box 8901, 3009 AX Rotterdam, Tel: +31 (0)10 289 4895; Email: iaa@lbio.nl; Fax: +31(0)10 289 4882; Website: www.lbio.nl

The Central Authority is your point of contact for applications to:

- Countries within the European Union, for all kinds of family maintenance (not just child support)
- Countries outside the European Union which have joined the 2007 Convention, for recovery of child support and spousal support when it accompanies child support

What you can expect when contacting the Central Authority

The Central Authority in the Netherlands and in the other country can help to facilitate the following:

- Locating the person who owes maintenance and obtaining his / her relevant financial information
- Filling out your application and ensuring that all necessary documents are included
- Transmitting the application and instituting proceedings in the foreign country
- On-going enforcement of the decision
- Collection and expeditious transfer of maintenance payments
- Establishing that someone is the parent of a child, if necessary for maintenance recovery

Information you may be asked to provide:

- Information on your income and financial circumstances
- Any information you have on the location of the person owing maintenance
- Any information you have on the income / assets of the person owing maintenance
- Other identifying information of the person owing maintenance (such as a national PIN)

Frequently asked questions:

Q: What is "child support" or "family maintenance"?

A: These refer to monetary or other support owed by law to an individual by a parent or another related person, generally in order to provide for the basic living necessities of an individual. This brochure and the mechanisms it describes **do not** cover State payments of social support.

Q: Can my personal address information be protected when I make an application to recover maintenance?

A: Yes, under both the 2009 Regulation and the 2007 Convention, for safety reasons (e.g. domestic violence) you may choose not to disclose your personal address to the person who owes you or your child maintenance.

Q: Will it cost me any money to make an international application?

A: If you make an international application under the 2009 Regulation or the 2007 Convention for maintenance arising from a parent-child relationship for a child under 21, the application, including any necessary legal assistance, will be **cost free**.

Q: What if the foreign country involved is not a Member of the European Union and has not yet joined the 2007 Convention?

A: Contact your Central Authority, as there may be another international agreement in place.

Q: I have a court settlement or other maintenance agreement or arrangement that should be internationally enforced. What can I do?

A: Both the 2009 Regulation and the 2007 Convention cover court settlements or other maintenance agreements or arrangement.

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Recovery of Child Support and Other Forms of Family Maintenance in the Netherlands

- Does the other parent of your child reside in the Netherlands or in a foreign country and do you believe that this parent should be paying child support?
- Does another individual who resides in the Netherlands or in a foreign country owe you family maintenance or support?
- Do you already have a court decision from the Netherlands which establishes that an individual owes child support or another form of family maintenance, but this individual now resides in a foreign country?



If the person who owes child support or family maintenance lives in the Netherlands...

If the person who you believe owes you maintenance resides and has assets or income in the Netherlands you will likely have to take the following steps in order to recover the maintenance:

1) Contact the Association of Family Law Attorneys-at-Law and Separation Mediators (Vereniging van Familierecht Advocaten Scheidingsmediators: www.vfas.nl). They will be able to direct you to a lawyer who will be able to assist you with your questions. Although you are able to attend court and speak to the judge, you are not entitled to file documents with the court in the Netherlands without the assistance of a lawyer;

2) Start legal proceedings at your competent local court of first instance (website: <http://www.rechtspraak.nl/Naar-de-rechter/Uw-situatie/Pages/default.aspx>);

3) You may be entitled to legal aid to cover lawyers' and other fees, and can inquire at the court to see if you qualify. You can also contact the Legal Aid Board (Raad voor Rechtsbijstand, www.rvr.org);

4) You will have to cooperate with the court in order to provide any information that you have about the person who may owe maintenance, including current or last known address, current or last known place of employment, any information on types and location of assets and income, etc.;

5) If a decision is rendered in your favour, you will have to cooperate with enforcement officials who will, if the person owing maintenance does not pay voluntarily, employ enforcement measures against that person's income or assets;

6) If circumstances change for you or for the person owing maintenance, you will have to return to court in order to modify the original maintenance decision.

What about the recovery of child support or family maintenance from abroad?

If the person who owes you, your child or another person child support or family maintenance lives or has income or assets abroad, there are two instruments for international cooperation that can help you recover the maintenance owed: the 2009 EU Regulation and the 2007 Convention.¹ The Regulation and the Convention have as their objective the efficient and effective international recovery of child support and other forms of family maintenance.

You may make an application for the recovery of maintenance from abroad:

- For the enforcement of a decision for maintenance that you already have
- For the establishment of a new decision for maintenance in a foreign country
- For the modification of an existing decision
- For assistance in locating someone who owes you maintenance, as well as obtaining information on their income and assets

Cost Free Services

The 2009 Regulation and the 2007 Convention in most cases allow you to make an application **at no charge** if you are applying for child support for a child under the age of 21. The Central Authority of each country must assist you in making the application and recovering the maintenance owed.

1. *The EC Regulation No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and co-operation in matters relating to maintenance obligations and the Hague Convention of 23 November 2007 on the International Recovery of Child Support and Other Forms of Family Maintenance.*



Countries participating:

2009 Regulation: Members of the European Union (Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom)

2007 Convention: a number of States outside of the European Union (please contact the Central Authority of the Netherlands to verify)

Entry into force:

2009 Regulation: The Regulation applies as of 18 June, 2011. Some provisions of the Regulation will apply to proceedings commenced before this date; please verify with your Central Authority.

2007 Convention: Verify with your Central Authority as to if and when the Convention will apply between your State and another State. However, all decisions for child support for a child under 21 years falling due before the Convention enters into force between two States will be enforced under the Convention.