

# **Nordic Child Support Enforcement Conference**

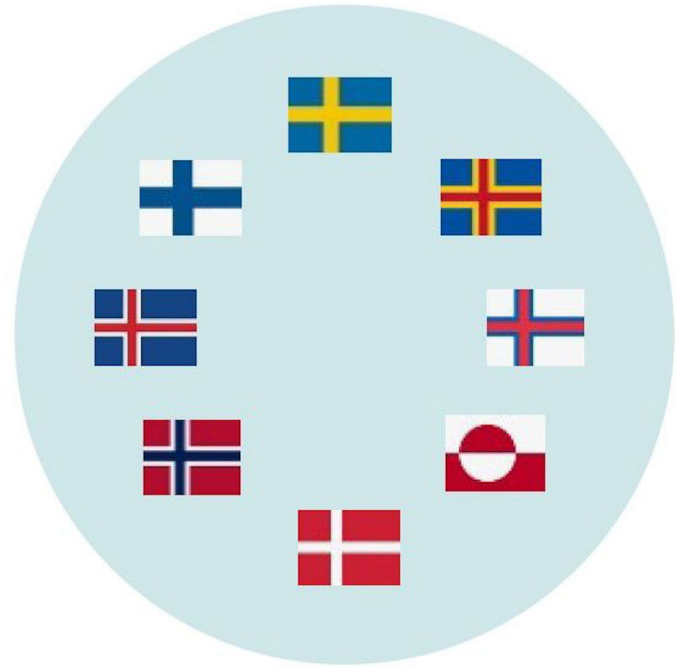
19-20 September 2023

Ringkøbing, Denmark



**Welcome**

Maren Holm Johansen  
/Familieretshuset





# Agenda 2023



# Day 1, Tuesday 19<sup>th</sup> September

- 09:00** Welcome
- 09:15** News from your country; A brief presentation and organizational/legal updates, including a case's timeline (20 minutes per country)  
Coffee break included
- 11:15** General follow-up on working groups as agreed in Visby in 2018
- 12:00** Lunch
- 13:00** The Øresund Report and the cooperation between the Nordic countries  
- Anna Palmehag/ Øresundsinstituttet
- 13:45** Optimizing the procedures of foreign payments  
- Skatteetaten
- 14:15** Coffee break with the possibility to check in rooms
- 14:45** Discussions (please see appendix with discussion points)
- 16:30** Free time
- 17:30** Outdoor activity
- 19:00** Dinner



# Day 2, Wednesday 20<sup>th</sup> September

- 07:30 Breakfast
- 08:30 Recapitulating Day 1
- 09:00 Insolvency and restructuring of debt  
- Kronofogden
- 09:30 Statutes of limitations  
- Familieretshuset, Udbetaling Danmark, Gældsstyrelsen
- 10:00 Coffee break with the possibility to check out rooms
- 10:15 Obtaining financial information in other Nordic countries; procedures  
in your country (approx. 10 minutes per country)
- 11:30 Deciding on the next meeting
- 11:45 Thank you and summarizing the conference
- 12:00 Lunch or to-go lunchbag

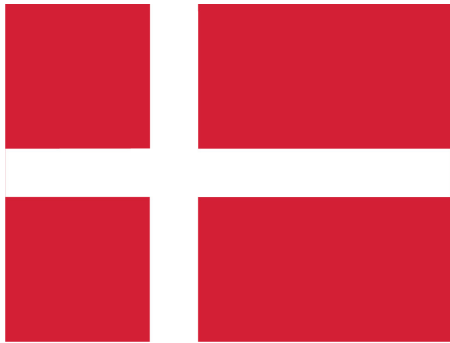




## News from your country



# Denmark



# **Child Support in Denmark**

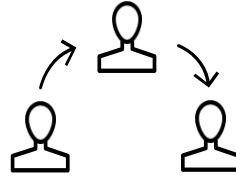
The collaboration between Familieretshuset, Udbetaling Danmark og  
Gældsstyrelsen

# The Danish authorities



Deciding the existence of the claim and level of child support if parents are unable to find an agreement.

udbetaling danmark=



Paying child support to one parent and collecting it from the other.



Recovery of child support that isn't collected by Udbetaling Danmark.

# Familieretshuset - national role and rules

- Familieretshuset administers fixing and changing support

## Types of supports

### Ongoing supports

- Child support
- Educational support
- Spousal support

### One-time supports

- Contribution in connection with the birth of the child
  - Support for the mother's subsistence for two months before and one month after birth
  - support at birth
  - support on naming the child or baptism
- Confirmation support

# Child support

Child support consists of three parts

- a set **basic amount**
- a **fixed supplement**
- an **additional supplement** depending on the gross income of the parent concerned and the number of children.

## Standard rate of child support

- Basis amount and fixed supplement (in 2023 1.500 kr. per child pr. month)
- Does not depend on the payer's income
- The minimum support for a child living in Denmark

## The highest possible rate of child support

- Basis amount, fixed supplement and an additional supplement

**2023**

Standard rate

+	1 child	2 children	3 children	4 children
100 %	ca. 560.000 kr.	ca. 620.000 kr.	Ca. 700.0000 kr.	ca. 810.000 kr.
200 %	ca. 800.000 kr.	ca. 900.000 kr.	ca. 1,1 mio. kr.	ca. 1,3 mio. kr.
300 %	ca. 1.4 mio kr.	ca. 1,7 mio. kr.	ca. 2,0 mio. kr.	ca. 2,2 mio. kr.

# Familieretshuset – role in Nordic Enforcement

- Central authority
- Processes objections to the claim
- We have between 5 -10 cases on an annual basis
- Most frequent objections
  - Limitation
  - The claim is less than the calculated amount

# Udbetaling Danmark

- Udbetaling Danmark administrates the payment and collection of child support if needed.
- The work is located in two departments:

## Familieydelse

## Opkrævning

## Familieydelse

- Handles all applications regarding child support.
- Makes the payment to creditor.
- Has the primary contact with:
  - Creditor/Nordic authorities
  - Familieretshuset.

## Opkrævning

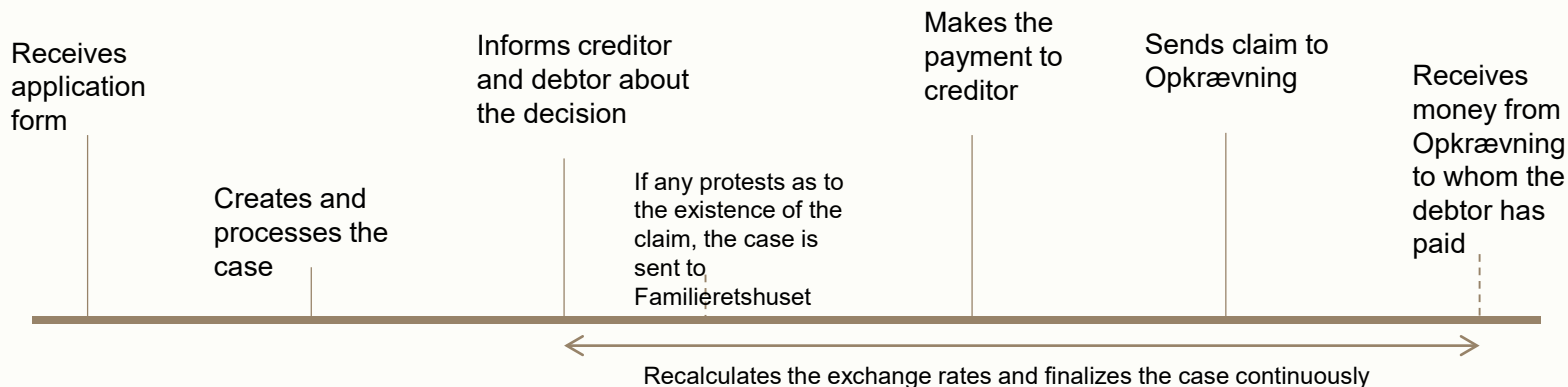
- Collects child support from debtor.
- Has the primary contact with:
  - Debtor
  - Gældsstyrelsen.

# Workflows in Familieydelser

Familieydelser has two main workflows in regard to child support depending on the type of the payment. It can be with or without prepayment from the Danish state.

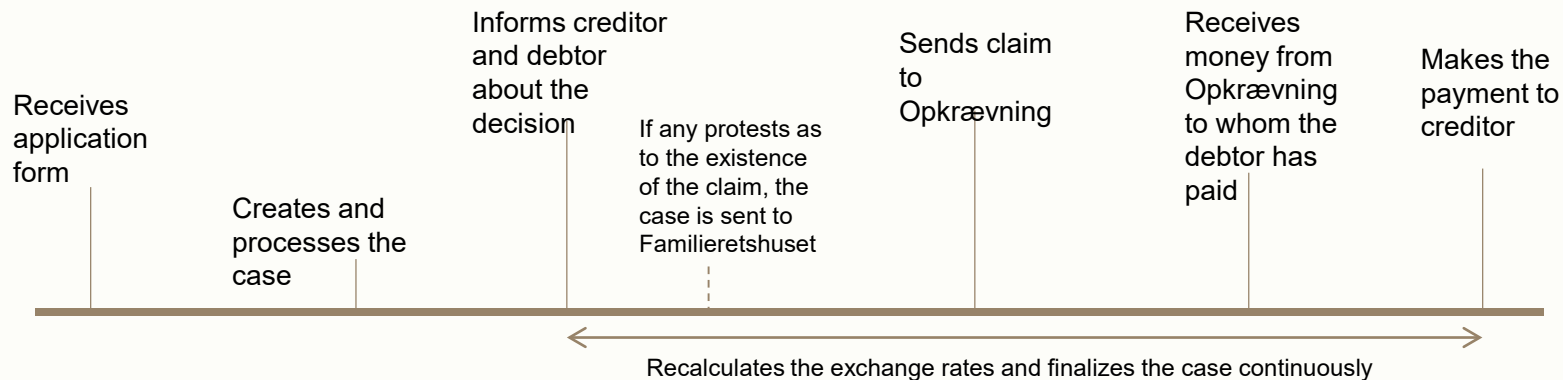
If the creditor is in another Nordic country the child support can not be prepaid by the Danish state.

## With prepayment



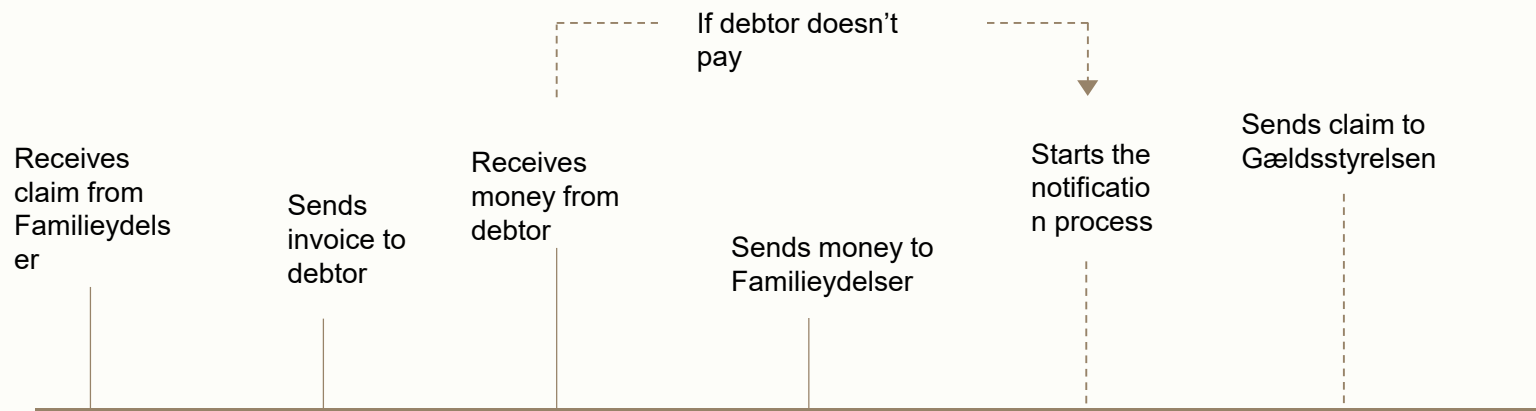
# Workflows in Familieydelses

## Without prepayment



# Workflow in Opkrævning

The workflow in Opkrævning starts when Familieydels er sends a claim regarding the debtor.



# Gældsstyrelsen

Collects and recovers child support payments



## Collection

- Gældsstyrelsen collects child support payments based on foreign decisions when the debtor is living in Denmark
- The unit responsible for collection of child support (Borgere 21) is based in Tønder



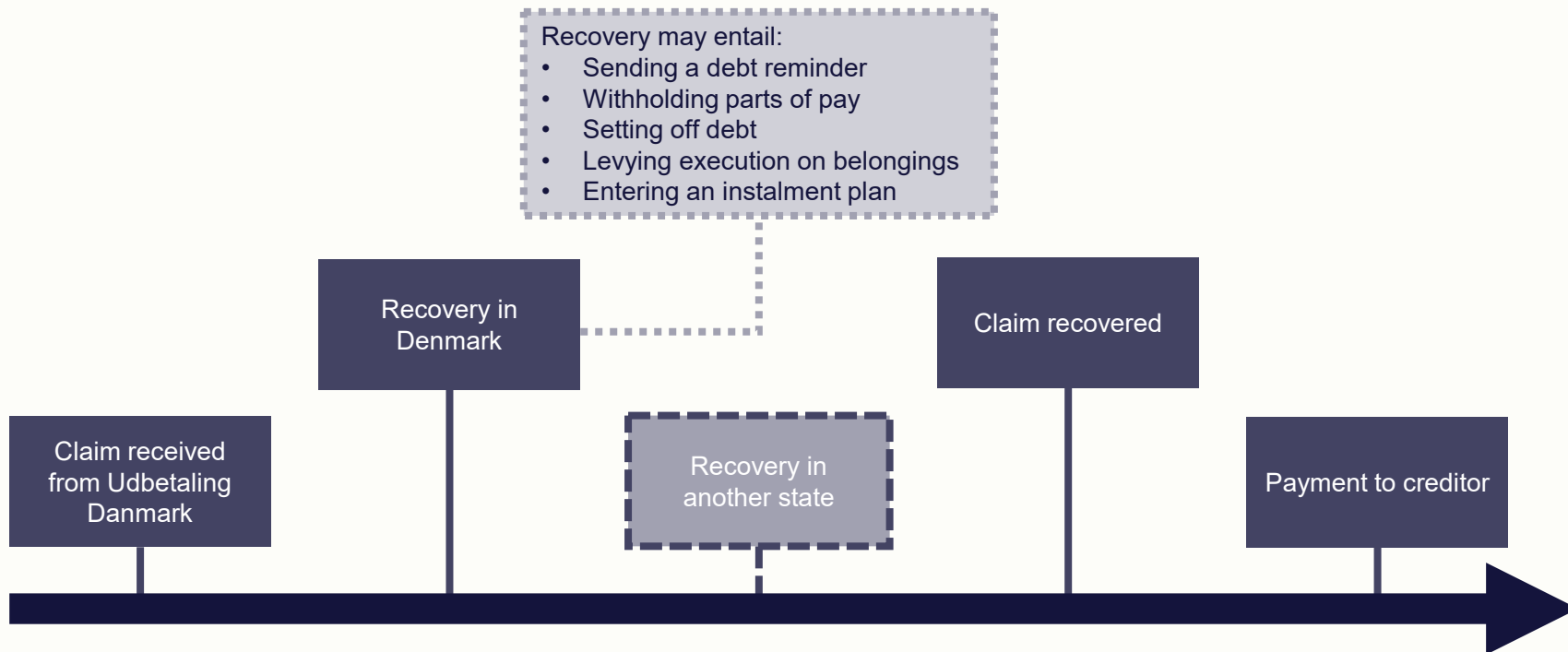
## Recovery

- Gældsstyrelsen recovers child support not paid in the collection-phase
- Gældsstyrelsen recovers both claims received from Udbetaling Danmark and from foreign authorities
- Foreign claims are recovered as if they were similar Danish claims



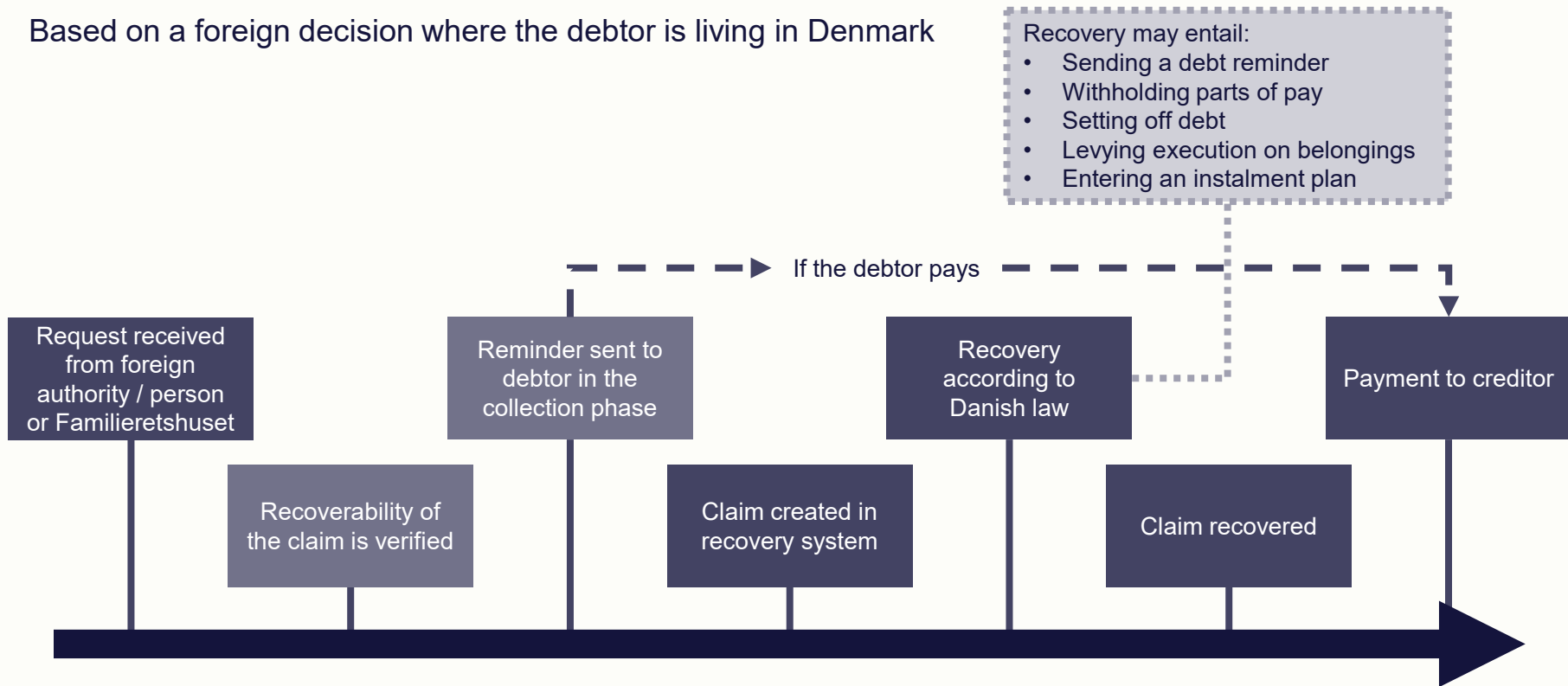
# Case timeline

Based on a Danish, Greenlandic or Faroese decision where the debtor is living abroad

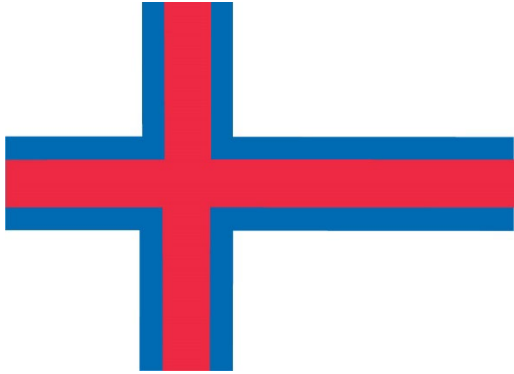


# Case timeline #2

Based on a foreign decision where the debtor is living in Denmark



# Faroe Islands



A child is drawing a family scene on a piece of paper. The drawing includes a house with a black roof and red and blue walls, a green bush with yellow and purple flowers, and a group of people holding hands in a circle. The child is using a yellow marker to draw a sun in the top right corner. The child is wearing a blue and white patterned shirt. The drawing is on a wooden table, and several colored markers are visible in the top right corner.

## The Family Law Administration



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Monica Hjelm Rasmussen, Director



# Disposition

- The Family Law Administration (introduction)
- Fields of responsibilities
- Significant organizational changes
- Child support etc.
  - Applicable law
  - Standard child support/increased/decreased
- Spousal maintenance
  - Applicable law
- Internal organization



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# The Family Law Administration (Familjufyrisingin)

- Administers, on behalf of the Government of the Faroe Islands, various cases related to family- and personal Law
- An authority under the Ministry of Justice
- Located in Torshavn
- Webpage: [www.famf.fo](http://www.famf.fo) or in english [www.famf.en](http://www.famf.en)
- E-mail: [famf@famf.fo](mailto:famf@famf.fo)
- Phone: +298 202224



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## Who are we?

- 13 staff members
- Five legal advisors including the director. One sociologist, one licensed psychologist, one social worker, three office clerks and one chief office clerk with management responsibilities
  - The office serves a population of 54.738 inhabitants in the Faroe Islands.
- Representing the Family Law Administration today:
  - Monica Hjelm Rasmussen, legal advisor (cand.jur), director
  - Ann á Argjaboða Ritter, chief office clerk



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## Significant organizational changes

- The Family Law Administration was established on 29<sup>th</sup> of July 2018
- Previously the High Commission (of Denmark) in the Faroe Islands and the Chief of Police were, on behalf of the Danish State, responsible for handling cases now placed under the Family Law Administration
- The Faroe Islands are a part of the Danish Kingdom, but with comprehensive home rule covering an increasing number of issues - still the legislative and executive competence regarding the field of family-, personal- and inheritance law remained in Denmark until July 2018.
- The Faroe Islands took over the administrative and legislative competences regarding the field of family-, personal- and inheritance law after protracted negotiations with the Danes. As a consequence of this the Faroe Islands had to establish a new Faroese authority that could administer the field
- Hence The Family Law Administration was established



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## Fields of responsibilities

- **Child maintenance (Child support)**
- **Spousal maintenance**
- Divorce/separation
- Paternity
- Co-motherhood
- Custody
- Contact with the child
- Adoption
- Guardianship
- Future power of attorney
- Marital settlements
- Child expert counselling
- Discussion groups for children and young people whose parents no longer live together
- Conflict Mediation
- Foreign documents (not faroese documents)
- Recognition of foreign marriages
- Parent cooperation classes



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## Applicable law in the field of child support

- The rules regarding child support can be found in chapter 1 og 2 of the Faroese Act on Children's legal situation (lov om børns retsstilling) (Consolidation Act no. 398 of 20 April 1960)
- It is essentially stipulated, that parents have a duty to provide for their children. If a parent fails to fulfil this maintenance duty, The Family Law Administration may order that child support is to be paid on request from the main provider (section 13).
- The amount of support is determined in consideration of the interests of the child and is fixed at the standard rate of support. If the income of the parent who is to pay child support exceeds the stipulated income limits, the child support payable may be higher than the standard rate (section 14).
- If one of the parents fails to fulfil its maintenance obligation, the other parent can request that the parent in question be assigned to pay child maintenance
- Until the child reaches 18 years of age
- Not possible to agree on to opt out of the maintenance obligation



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## Standard and Increased child support

- the standard child support is a “minimum amount“, which means that as a rule, no amount lower than the standard rate of support may be assessed – even if the cost of living is high or the salary is low etc.
- Only increased child support can be reduced by about one third, based on an estimate, if the parent paying child support is not entitled to support from the authorities.
- The standard child support rate is taken as a starting point
- The amount is regulated every year on the 1st of January by the Faroese government



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## Payment Amounts 2023

Payment amounts are set annually and come into force 1 January.

### Regular child maintenance

monthly	DKK 1.119 kr.
annually	DKK 13.428 kr.

### Increased child maintenance

When processing an application for increased child maintenance, the Family Law Administration will emphasise the income circumstances of the person liable for payment, in addition to the number of children the person concerned is obligated to maintain. The payee's income circumstances will not usually be considered, nor will any consideration be made concerning whether the payee is in a new cohabitation, marriage or has had more children. However, the Family Law Administration must obtain this information from the payee for the case's processing.

#### Guidelines for the calculation of increased child maintenance – number of children and annual income

Supplement to regular child maintenance in percentage	1 child	2 children	3 children	4 children	5 children
+ 100%	approx. DKK 560.000	approx. DKK 620.000	approx. DKK 700.000	approx. DKK 810.000	approx. DKK 960.000
+ 200%	approx. DKK 800.000	approx. DKK 900.000	approx. DKK 1,1 m	approx. DKK 1,2m	approx. DKK 1,3m
+ 300%	approx. DKK 1,4m	approx. DKK 1,7m	approx. DKK 2,0m	approx. DKK 2,2m	approx. DKK 2,4m

of the person liable for payment:



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## Who can apply for assigned child support?

- The parent with whom the child resides or who carries the majority of the expenses of maintaining the child can apply for child maintenance to be assigned. As a general condition, the applicant must hold custody or legally be the child's foster parent. If the parents hold joint custody and the parents divide the expenses of maintaining the child between them, child maintenance is usually not assigned.



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## The assessments crucial criteria (Simplified):

### Standard child support:

- Primarily if there is sole or joint custody
  - If joint custody
    - The extent of visitation and expenses
  - If not joint custody
    - The counterparty is assigned to pay the standard child support



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### **Increased child support (increase/decrease)**

- *If there is joint custody*
  - The possible contributors/payers income – not as much as the possible receivers income
  - The possible contributor/payers tax benefits (often sailors)– than we convert the income so that it corresponds to an ordinary income on land in the Faroe Islands
  - The child's income if it is older than 13 years of age
  - The extent of visitation
  - Daily expenses



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- *If there is sole custody*
  - The possible contributors/payers income – not as much as the possible receivers income
  - The possible contributor/payers tax benefits (often sailors) – then we convert the income so that it corresponds to an ordinary income on land in the Faroe Islands
  - The child's income if it is older than 13 years of age
  - The extent of visitation
  - Daily expenses
    - Only affects the size of the child support amount. It is possible to make a reduction in the size, but cannot be reduced lower than the standard rate





## Other payment regarding the child:

- **Contribution payment towards the cost of childbirth**
  - The Family Law Administration may assign a contribution payment concerning childbirth if the mother applies for assignment.
- **Contribution towards maintaining the mother two months prior to and one month following birth**
  - The Family Law Administration may assign maintenance concerning childbirth if the mother applies for assignment.
- **Christening/naming maintenance**
  - If applied for, the Family Law Administration may assign christening/naming maintenance in addition to regular child maintenance.
  - You must apply for christening/naming maintenance within three months of the naming or christening of the child.





- **Confirmation or Clothing Contribution**

- The Family Law Administration can assign confirmation/clothing contribution (clothing contribution when the child has attained the age of confirmation but is not having a confirmation) when it receives an application for confirmation/clothing contribution.

- **Educational contribution**

- If the person liable for payment maintains a child enrolled in education, the Family Law Administration may, in some instances, assign a contribution to be paid after the child has attained the age of 18.
- The contribution can only be in force until the child has attained the age of 24. The contribution is cancelled if the child is no longer enrolled in education. The Family Law Administration will only assign contribution if the income of the person liable for payment is above a certain amount.



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### Educational contribution

An educational contribution is applicable for children between the ages of 18 to 24 who are currently receiving an education. The regular educational contribution is equivalent to regular child maintenance.

Monthly	DKK 1.119
annually	DKK 13.428

#### Guidelines for the calculation of educational contribution – number of children and annual income of

	1 child	2 children	3 children	4 children	5 children
The basic amount	approx. DKK 420.000	approx. DKK 480.000	approx. DKK 560.000	approx. DKK 650.000	approx. DKK 770.000
+ 50%	approx. DKK 600.000	approx. DKK 700.000	approx. DKK 900.000	approx. DKK 1,0m.	approx. DKK 1,2m
+ 100%	approx. DKK 1,0m	approx. DKK 1,2m	approx. DKK 1,4m	approx. DKK 1,6m	approx. DKK 1,9m

the person liable for payment:



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# The size of other amounts:

## Other contributions

In addition to child and educational maintenance, a contribution can be assigned in relation to birth, christening/naming, confirmation (or when the child has attained the age of confirmation but is not having a confirmation – i.e. clothing contribution), and in the event of illness or funerals.

<i>Birth maintenance</i>	<b>DKK 775,88</b>	one-off payment
<i>Contribution to birth expenses – contribution towards maintaining the mother 2 months prior to and 1 month following birth</i>	<b>DKK 1.327,62</b>	monthly for 3 months
<i>Christening-/naming contribution</i>	<b>DKK 1.119</b>	one-off payment
<i>Confirmation-/clothing contribution</i>	<b>DKK 3.357</b>	one-off payment



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## Simplified timeline ( regular child support (minimum amount))

- We receive the application
- The application is sent to the contributor/payer in question for possible comments
- Possible comments from the contributor/payer in question are sent for possible comments to the applicant
- We make a decision with appeal Guidelines
- Case processing time normally approx. 3-4 weeks



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## Simplified timeline (Increased Child Support or change (increase/decrease))

- We receive the application regarding first time increased or change increase/decrease, together with official income information, expense schedule, visitation extent etc.
  - The application is sent to the counterparty in question for possible comments. We request income information and an expense schedule - if we don't receive the income information, we obtain it from our tax authorities (TAKS)
  - Income information, expense schedule etc. is sent in cross examination
  - Possible comments are sent to the counterparty for further possible comments
  - We make a decision with appeal guidelines
- 
- Case processing time is normally 2-3 months



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## Numbers of decisions, applications etc.

As a percentage, decisions/agreements regarding increased child support have been between 7-23 % from 2019 to 2022.

### Decisions and agreements regarding child support

	2019	2020	2021	2022
Regular child support	73	70	50	81
Decreased	22	20	4	14

What is the percentage of all decisions/agreements regarding increased child support?  
(Decisions/agreements regarding changes are not included, but the numbers are so small, that they don't change the big picture)

2019	2020	2021	2022
23 %	22%	7 %	15 %

### Applications regarding child support:

	2021	2022
Regular child support	95	81
Decreased	8	20

What percentage of all applications are applications for increased child support?

2021	2022
8 %	20 %



## Changes in the applicable law

- Essentially the Faroese rules correspond to the rules that apply in Denmark. However some changes made to the law in Denmark were not put in effect for the Faroe Islands prior to the takeover of the administrative and legislative competences regarding the field of family-, personal- and inheritance
- Since the Faroese takeover, there have been no changes made to the law.
- Differences between Denmark and the Faroe Islands:
  - Regarding jurisdiction: Cases regarding child support are processed where the support payer lives
  - No fees for application to change a child support
  - We are still obliged to assess the financial situation of both parties and the income of the child (if 13 years or older)
  - An exceptional possibility for the Family Law Administration to decide, that a parent, who fails to fulfil his or her maintenance duty, shall not pay the minimum standard rate based on his/her poor economic situation, if the receiver's economic situation at the same time is very good. This is considered to be the case, if the payor's economic situation is so poor, that it is unrealistic that he/she is capable to pay the child support - and the receiver's economic situation at the same time is so good, that the receiver does not have an actual need of the child support.



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## Spousal maintenance

- The rules regarding spousal maintenance can be found in section 1 in the Parliamentary Act no. 56, dated 18<sup>th</sup> of March 1925 on the legal effect of marriage and in section 5 in decree no. 37, dated 22<sup>nd</sup> January 2002 on the entry into force in The Faroe Islands of the formation and dissolution of marriage act.
- It is essentially stipulated that in marriage spouses have a mutual maintenance obligation. If spouses terminate cohabitation or one of the spouses fails to uphold the maintenance obligation, the spouse can apply to have spousal maintenance assigned by the Family Law Administration
- In connection with divorce/separation spouses must agree on whether one of the parties shall pay maintenance to the other. If one party is assigned to pay maintenance, they must also agree concerning the period in which the person in question should pay maintenance (term of years). The Family Law Administration can help the spouses come to an agreement. In instances of dispute, the case must be brought before the Court of the Faroe Islands for judgment.
  - When spouses have made an agreement, or the court has made a decision, on possible spousal maintenance as well as the period of validity, the receiving spouse can request the Family Law Administration to decide the amount that the (former) spouse shall pay. The Family Law Administration can only assign the spousal maintenance amount.
- Essentially the Faroese rules correspond to the rules that apply in Denmark. There were, however, changes to the law in Denmark, which were not put in effect for the Faroe Islands prior to the takeover of the administrative and legislative competences regarding the field of Family-, Personal- and Inheritance



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# Internal organization

- Child support:
  - The office clerks administrate the field of child support in The Family Law Administration
  - Chief Office Clerk has main responsibility
  - Two legal consultants are back-up
- Spousal maintenance:
  - Two legal consultants administrate the field of spousal maintenance in The Family Law Administration



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## Conventions and EU regulations

- Luganoconvention (30 th of October 2007) Convention on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
- Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations
- Council of Europe: Convention on the legal status of children born out of wedlock, from the 15 th of October 1975)
- **Neither the EU regulations (The Faroe Islands are not a member in EU) nor The Lugano Convention apply in the Faroe Islands**



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## Payment and collection (inddrivelse) of child support

- When child maintenance has been assigned
  - the parents can agree amongst themselves as to how the payment should take place, for example, with a fixed bank transfer.
  - If the payment is not made on the date the payment is due, the payee can contact the Department of Social Services (Almannaverkið) at P.O. box 3096, 110 Tórshavn, Faroe Islands, or [av@av.fo](mailto:av@av.fo), about advance payment of regular child maintenance, or whether it is relevant to collect a supplement to regular maintenance.



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## Advance payment and maintenance collection (spousal maintenance)

- Most spouses make an agreement amongst themselves about how the maintenance should be paid.
- Spousal maintenance is not paid in advance by The Department of Social Services (Almannaverkið).
- If maintenance is not paid, the payee can contact The Department of Social Services (Almannaverkið). After consulting the person liable for payment, The Department of Social Services (Almannaverkið) can submit the claims to TAKS for collection. Once TAKS has collected maintenance from the person liable for payment, TAKS will pay it out to you.
- If you want The Department of Social Services (Almannaverkið) to help you collect a maintenance payment, please contact The Department of Social Services (Almannaverkið). You must submit the maintenance document (the maintenance decision) together with the application.



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Thank you very much 😊

Please don't hesitate to contact us if you need help or have any questions!



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# TAKS

Den Færøske inddrivelsesmyndighed

The debt collection authority

## Fællesadresse / Address



Smyrilsvegur 20  
PO Box 2151  
FO-110 Tórshavn  
Faroe Island  
Tel +298 35 26 00  
[taks@taks.fo](mailto:taks@taks.fo)  
[www.taks.fo](http://www.taks.fo)

# Ledelsesstab / Head of staff



**Eyðun Mørkøre**  
**Direktør / Direktor**

## **IT**

Ann Damgaard

## **Kundeservice / Customer service**

Diana Gilstón

## **Inddrivelse / Debt collection**

Eyðun Joensen

## **Moms / VAT**

Eyðun Joensen

## **HR- og kommunikation / PR- and Kommunikation**

Diana Gilstón

## **Jura / Law**

Birta Biskopstø

## **Finance**

Jackline Hjørleifsdóttir Simonsen

## **Told / Customs**

Birta Biskopstø

## **Fonde m.m. / Funds**

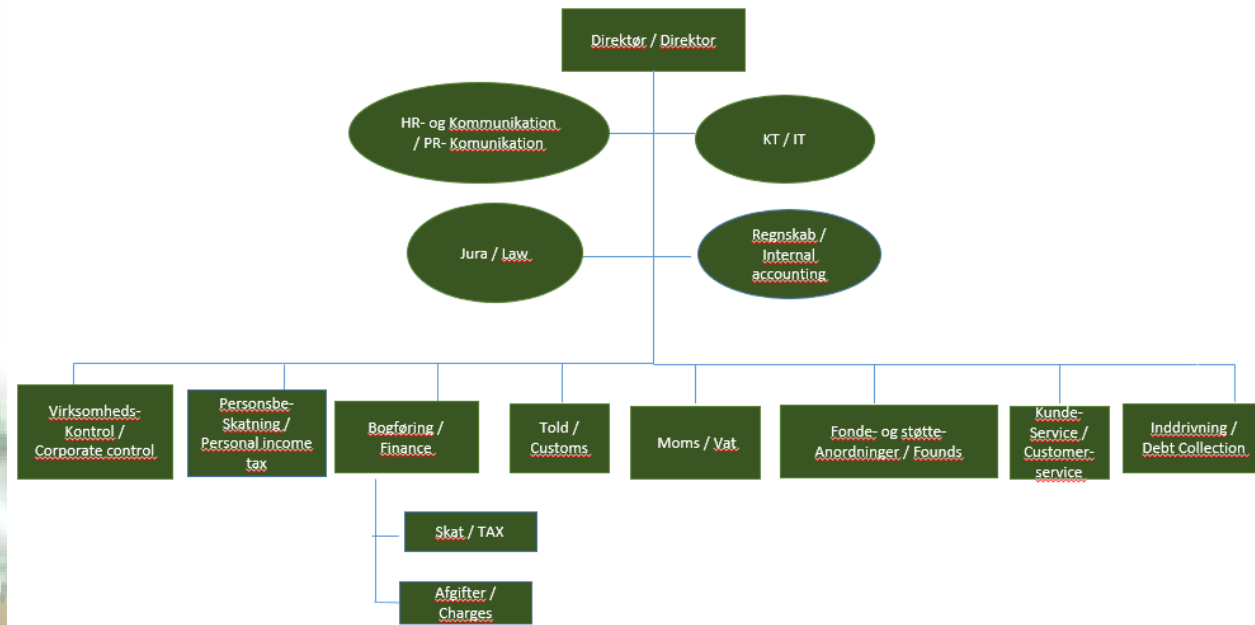
Mai-Britt Winther

## **Erhvervskontrol / Corporate control**

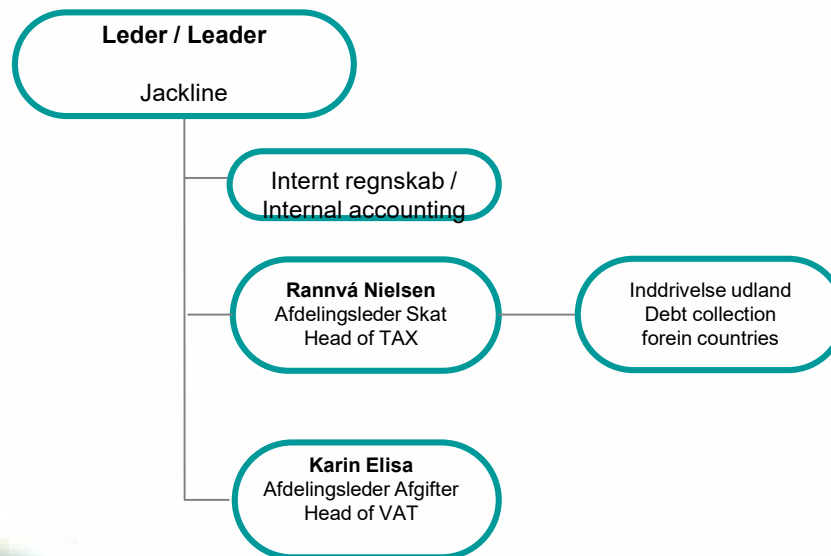
Poula á Líðarenda

## **Personsskat / Personal income tax**

Johan D. Heinesen



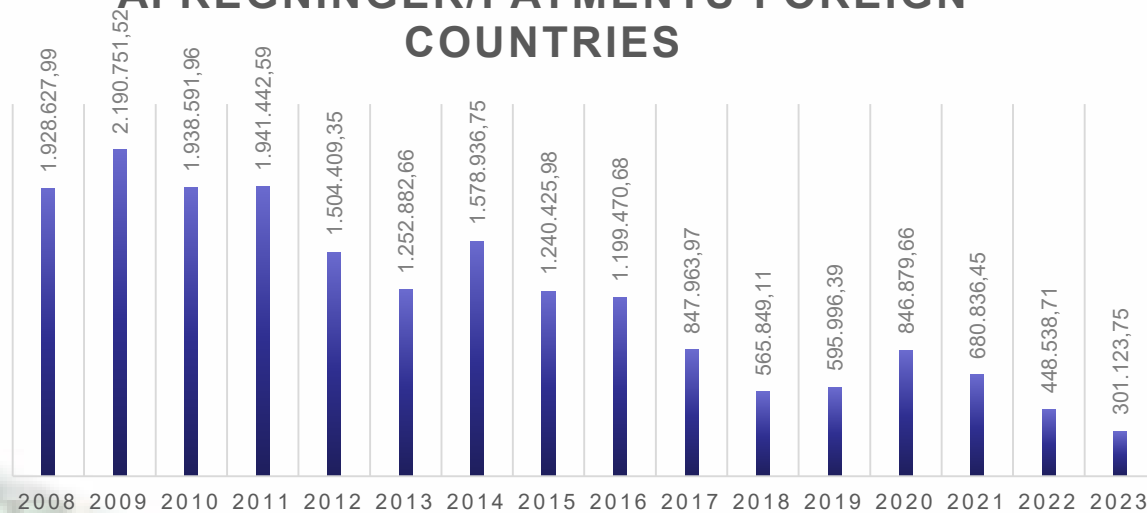
# Økonomiafdelingen / Finance department



## Bidragssager udland / Contributions matters foreign countries

- Sagerne bliver reigstreret hos sagsbehandler i Økonomiafdelingen. / The finance department registers the cases.
- Inddrives af sagerne foregår hos pantefogeden i Inddrivelsesafdelingen. / The collection is treated by the bailiff at the debt collection.

## AFREGNINGER/PAYMENTS FOREIGN COUNTRIES



# Antal sager UTL

Sager sendt til udl.		
	2018	2023
Danmark	340	326
Grønland	24	26
Island	19	15
Noreg	28	27
Sverige	0	2
Finland	0	0
I alt	411	396

# Bidragssager indland / Contribution matters internal



- Gæld overføres fra Socialforvaltningen til TAKS til opkrævning og inddrivelse. / The debt is transferred from the Department of social services to TAKS to handle the collection.

## Inddrivelsesmetoder / debt collection methods

- Betalingsaftale / payment agreement
- Løntilbageholdelse / hold back in salary
- Modregning / set-off
- Udlæg / expenses

## Løn tilbageholdelse og modregning / hold back in salary and set-off

- Lov om underholdsbidrag til enlige forsørgere. / Law on maintenance for single parents.
  - Trækprocent max 65 % brutto. (SL §136, 2 stk) / the maximum tax rate is 65 %
  - Automatisk efter 14 dage efter meddelse. / Automatic after 14 days after notice

# Udlæg / Expenses

- Underholdsbidrag er tillagt udpantningsret hos TAKS
  - Efter samme lov som udpankning af skatter og afgifter.
  - Efter reglerne i retsplejeloven.

# Forældelse / Limitation

## Generelt: / Generally

- 5 års forældelse. Lov nr. 274 af 22.12.1908
- 20 års forældelse. Norske lov nr. 2 af 15.04.1687

## Underholdsbidrag: / Alimony

- Lov nr. 150 af 24.04.1963 om inddrivelse af underholdsbidrag, som ændret ved L. nr. 280 af 08.06.1977.
- Lagtingslov nr. 71 af 20. maj 1996 om barnebidrag til enlige forsørgere mv, som senest ændret ved lagtingslov nr. 6 af 25. januar 2001
  - § 10 Når et bidrag udbetales forskudsvis, indtræder det offentlige i retten til at indkræve bidraget. Retten hertil er i forhold til det offentlige undergivet den almindelige 20-årige forældelse.

# Klagemuligheder / Complains

## Færøernes klageinstitution *(Føroya kærurstovnur)*

Klager vedr. / Complains concerning

- løntilbageholdelse / hold back in salary
- afgørelser truffet af TAKS / decisions made by TAKS
- forskudsudbetaling af underholdsbidrag / advance

payment

- bidragsafgørelser truffet af Familjufyrisitingin /  
contributions decision from Familjufyrisitingin

Klagefrist 4 uger / Complain deadline 4 weeks

Innheiting

FØROYA KÆRUSTOVNUR  
Undir Hornabakka  
Postsmoga 45  
Fo-110 Tórshavn

# Klagemuligheder / Complains

Fogedretten i Torshavn

Klager vedr.

Foretagne udlæg

Klagefrist 14 dage

Føroya Rættur

C. Pløysengøta 1

FO-110 Tórshavn

Telefon: 311003

Email: [post@sorinskrivarin.fo](mailto:post@sorinskrivarin.fo)

# Ny myndighed / New authority

Familjufyrisitingin  
Dr.Jakobsensgøta 21  
100 Tórshavn  
+298 20 22 24  
famf@famf.fo  
www.famf.fo

# Klagemyndighed for afgørelse fra Familiufyrisitingini / Claims to new authority

FØROYA KÆRUSTOVNUR

Undir Hornabakka

Postsmoga 45

Fo-110 Tórshavn

Tel:+298 320 585

[fks@fks.fo](mailto:fks@fks.fo)

# Eftergivelse / Cancellation



- Lov nr.71 om underholdsbidrag til enlige forsørgere. § 13
  - Sosialforvaltningen (Almannaverkið) behandler sager om eftergivelse.

Staravegur 18  
Postrúm 3096  
FO-110 Tórshavn

Telefon 360000  
av@av.fo

# Refundering / Refund

- Sosialkontoret udbetaler bidragspligtige 40% af det beløb som er over Kr. 13.428,00 / The social security office refunds 40% of payment over 13.428,00 pr. year.
- Underholdsbidrag, tillæg og hustrubidrag / Contribution, increased contribution og marriage contributions

# Sikker e-post / safe email



Kontaktperson til etablering af sikker e-post

Ann Damgaard

[Ann.Damgaard@taks.fo](mailto:Ann.Damgaard@taks.fo)

## List of competent authorities (Faroe Islands)

For matters relating to drafting or entering into agreements, please refer to the Faroese Ministry of Finance, Fíggjarmálaráðið.

Fíggjarmálaráðið, Tinganes, post box 2039,

FO-100 Tórshavn, Faroe Islands

Administrative subject	Competent Authority
Exchange of Information (EOI)	<p>Primary address <a href="mailto:auto.int.exch@taks.fo">auto.int.exch@taks.fo</a></p> <p>Ms. Birta Biskopstø Director, Head of Division <a href="mailto:bib@taks.fo">bib@taks.fo</a></p> <p>Mr. Rani R. Johansen EOI Manager <a href="mailto:rani@taks.fo">rani@taks.fo</a></p>
Mutual Agreement Procedures (MAP)	<p>Ms. Rúna Guttesen Director, Head of Division <a href="mailto:runa@taks.fo">runa@taks.fo</a></p>
Collection of Tax Claims	<p>Ms. Johanna Johannesen Director, Head of Division <a href="mailto:joj@taks.fo">joj@taks.fo</a></p>
Transfer of Tax Claims	<p>Ms. Sólrún S. Askham Director, Head of Division <a href="mailto:ssa@taks.fo">ssa@taks.fo</a></p> <p><a href="mailto:es@taks.fo">Ms. Eilin Andreasen es@taks.fo</a></p> <p><a href="mailto:ajh@taks.fo">Ms. Jenssa Hansen ajh@taks.fo</a></p>
Payments in relation to Social Legislation (child support etc.)	<p>Substitute Authority Ms. Thordis Tausen Tax Specialist <a href="mailto:tt@taks.fo">tt@taks.fo</a></p>
Technical Queries	<p>Mr. Sigurdjón Jónsson Technical Specialist <a href="mailto:sj@taks.fo">sj@taks.fo</a></p> <p>Mr. Sofus D. Johannesen Tax Specialist <a href="mailto:sdj@taks.fo">sdj@taks.fo</a></p>

# Finland



# The Ministry of Justice

The Central Authority in matters regarding international  
recovery of maintenance



MINISTRY OF JUSTICE  
FINLAND



## The Department of Private Law and Administration of Justice/ Unit for International Legal Assistance

- - Functions as Central Authority under several civil and criminal law conventions for example the Hague conventions and the European Convention on Mutual Assistance in Criminal Matters
- - The Central Authority transmits and receives requests that are made under international civil and criminal law conventions, counsels Finnish authorities as well as private people on matters relating to application of the international conventions etc.
- - Contact point of the European Judicial Networks (EJN) (in civil and criminal law matters)
- - The unit has 11 employees

# Central Authority in matters relating to international recovery of maintenance

- As from January 2011 (Haag Conventions, New York Convention, EU-Regulation, Convention between the Nordic countries)
- Two experts and one administrative assistant works mainly with maintenance cases.
- Just under 700 pending cases in the Ministry at the moment. The largest amount of applications is received from Estonia.

# The role of the MoJ in Nordic Cases

- The ministry's role in the Nordic cases is very small

## **Incoming applications:**

- The enforcement cases under Nordic Convention are sent directly to the enforcement offices
- All other incoming cases are handled by the Ministry

## **Outgoing applications:**

- The Public body Kela sends its' own applications directly to the other Nordic countries.
  - It also performs some tasks under the EU Regulation No 4/2009 which have been designated to it. Kela may perform the “sending authority functions” prescribed in Articles 56(1)(a), 56(1)(b) and 53(1) when it has awarded Child Maintenance Allowance.
- In cases where Kela hasn't awarded Child Maintenance Allowance and the parent wishes to send an application to another Nordic country, the enforcement offices are obliged to give advice.
- Outgoing applications for establishment and modification (under EU Regulation and Hague Convention) are handled by the MoJ

# Plans and projects

- iSupport – Finland is participating in the iSupport-project. At the moment no active installations etc as we are waiting for progress in other participating countries.
- Moving into new offices in August 2024 – as we no longer will have our own desks the need to digitalize grows. We have already digitalized most of our processes.
- NCSEA – Finland is a member of the NCSEA subcommittee.



Kela|Fpa<sup>®</sup>

# Collection of maintenance

Nordic Child Support Enforcement Conference  
Ringkøbing, Denmark 19.-20.9.2023

# Key messages

1

**We prefer secured email to letters.** The need for secure electronic ways to send and receive correspondence is significant due to changes in work culture - remote work has increased dramatically.

2

**Amount of insolvency cases (skuldsanering) is increasing.** Our current challenge is to understand details of handling these cases abroad.

3

**We are experiencing staff turnover.**

# Some interesting points

1

The amount of debtors living in other Nordic countries (in 2022):  
Sweden 211  
Norway 63  
Denmark 28  
Iceland <5

3

The amount of outgoing Nordic enforcement applications has remarkably varied during the last years.

In 2022: 21 vs. in 2019: 70

2

The neighbouring countries and some other major countries are our most important counterparts in maintenance collection.

Iceland plays only a minor role in collection of maintenance compared to any other Nordic state.

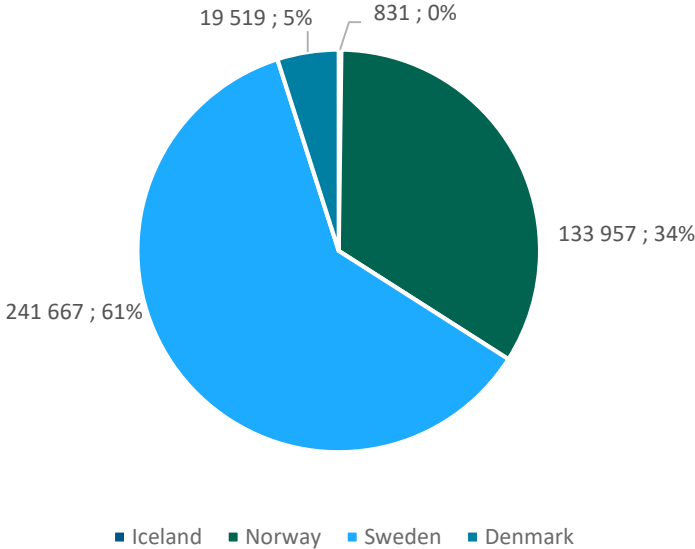
4

There are almost the same amount of debtors living in Sweden and the UK (211 vs. 218).

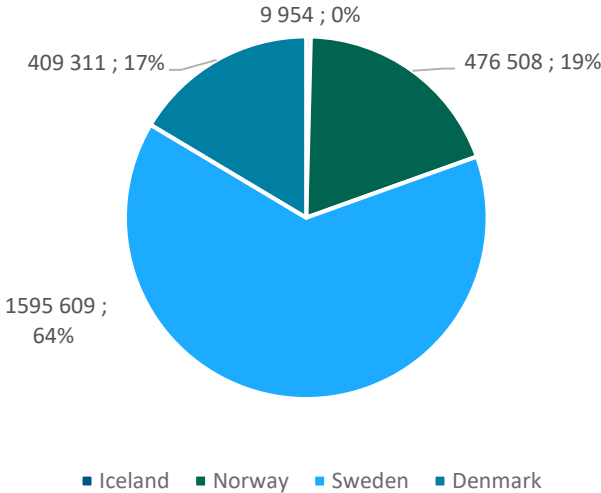
There are twice as much debtors living in Estonia compared to Sweden (410 vs. 211).

# Key statistics with Nordic counterparts

Collected child support debt, EUR (2022)



Child support debt to be collected, EUR (2022)



# Thank you for your attention!

Antti Elovaara

Senior Collections Specialist

The Social Insurance Institution of Finland

[maintenance@kela.fi](mailto:maintenance@kela.fi)

**Kela|Fpa** 



# Ulosottolaitos Utsökningsverket

## News from the National Enforcement Authority Finland

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Nordic Child Support Enforcement Conference

Ringkøbing

19 – 20. September 2023

Annika Björkqvist

Senior Enforcement Officer,  
Extensive Enforcement Of Western Finland

## Who we are;

- The National Enforcement Authority is responsible for the enforcement of all debts or liabilities judged upon in Finland.
- It collects directly enforceable receivables, such as fines, taxes and insurance premiums upon application, as well as child support – national or international – that are not paid voluntarily.
- All personnel are civil servants (State employed).

517.000 natural  
persons

50.000  
juridical  
persons

2.800.000  
cases / year

119000 child  
support cases  
in 2022

1,26 billion € in  
2022

5 million € in paid  
child support



Ulosottolaitos  
Utsökningsverket



# Organizational changes since Visby

**A new organisation, changes in the enforcement code, changes in some job titles, changes in contact information**

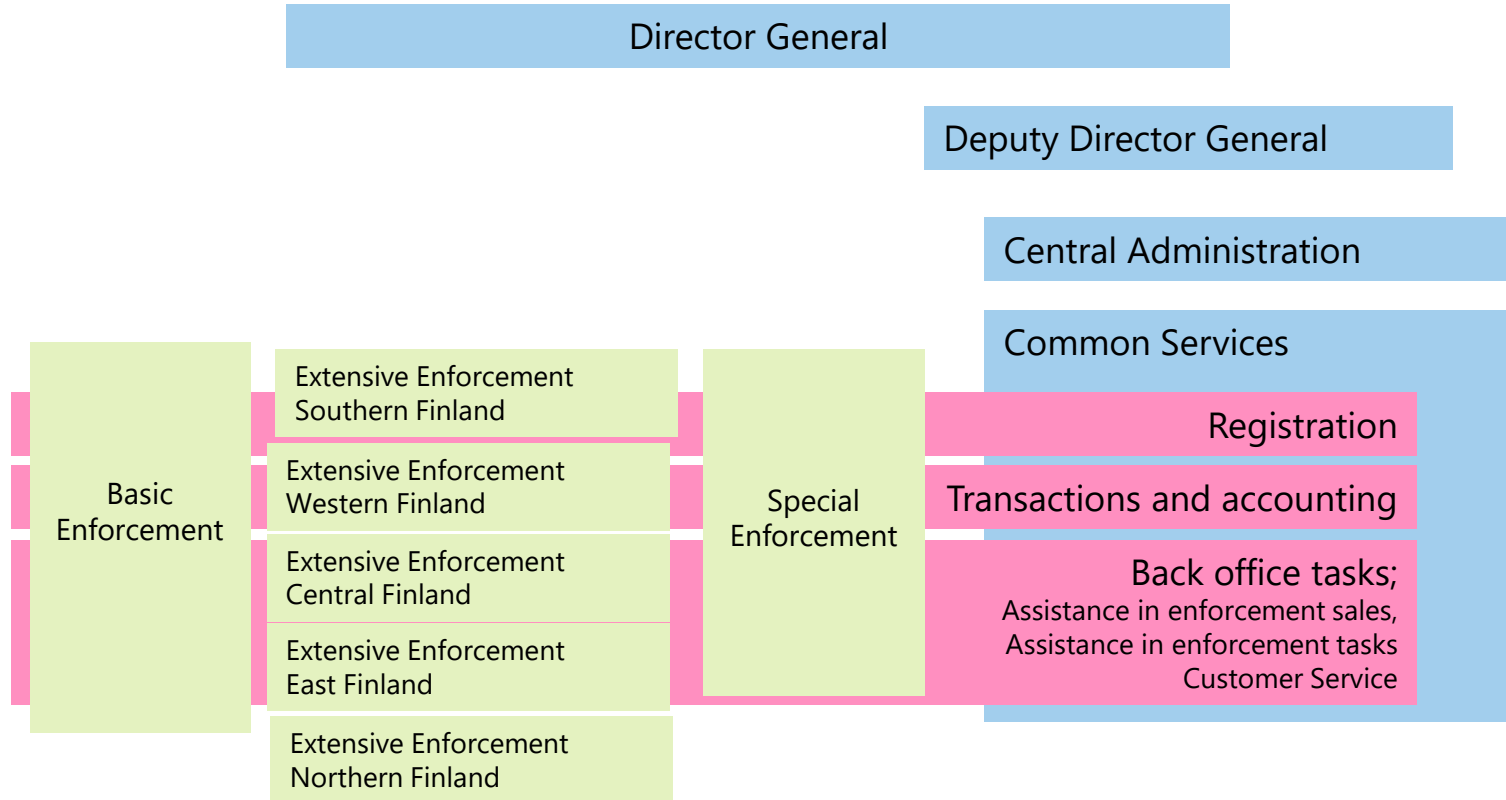
- The former regionally based enforcement offices and the National Administrative Office for Enforcement no longer exist → 22 offices has become 1 national.
- After 1. December 2020 the **National Enforcement Authority Finland** (in Finnish *Ulosottolaitos*, or Swedish *Utsökningsverket*) has assumed the responsibility for all enforcement tasks
- **The Central Administration** has the administrative tasks and the responsibility of development, coordination and legal duties.
- There are 3 different enforcement units: basic, extensive and special enforcement.
- A national back office that holds the tasks of all registration of applications, customer service, enforcement sale back office tasks
  - Customer service: all contacts, i. e. applications are made to one address [ulosottolaitos.uo@oikeus.fi](mailto:ulosottolaitos.uo@oikeus.fi) or Ulosottolaitos PL 1, 00067 Ulosottolaitos



Ulosottolaitos  
Utsökningsverket

# National Enforcement Authority Finland

## organizational chart





## Enforcement and a case timeline

- All obligations and precautionary measures can be enforced in the extensive enforcement and the special enforcement  
→ Senior Enforcement Inspectors
  - The extensive enforcement is located geographically in 5 regions in Finland, covering the whole territory.
  - The special enforcement is national, but has offices in 6 cities.
- Basic enforcement = new; → Enforcement Inspectors
  - enforcement of only monetary payment obligations through technical means, where the debt is under a certain amount of €, with only natural persons as debtors and where no meetings with the debtor at hand is required. Restricted to attachment of income or property that need not be sold.
- An enforcement matter becomes pending and is enforceable only if the applicant, the creditor, has a ground in accordance with the enforcement code in which the respondent, the debtor, has been subjected to an obligation or to a precautionary measure and the pertinent right has not expired owing to payment or statute of limitations.





## Stages of enforcing a case

### Application!

- Applications are mainly made electronically by applicants. The enforcement code holds rules of the content of applications and also states an applicant's duty to give notice of changes.
- All enforcement matters relating to the same debtor is processed by the same Chief Enforcement Officer and his/her team of Senior Enforcement Inspectors or Enforcement Inspectors.
- Interim measures are made possible immediately if deemed needed, i.e. possession of monetary assets.

### Notification!

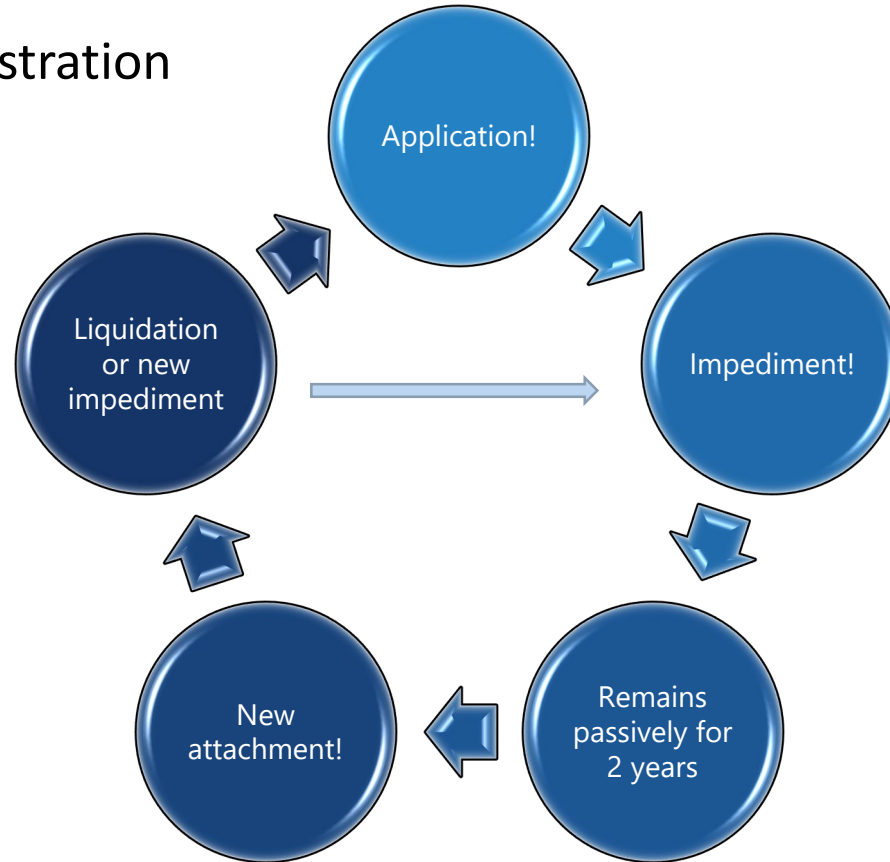
- More common than interim measures however, is to notify the respondent of the filed application, as it should be possible to make the payment voluntarily.
  - No notifications if the debtor is unknown or if the notification would cause considerable difficulty for the enforcement.
  - An attachment may not be carried out without giving prior notice to the debtor.



## Attachement, payments, impediment

- If the case is not paid after receiving notice of filing → attachement(s) may be carried out, to the extent of receiving full payment of the case.
- If paid in full → the case ends.
- If attachments are made → the case stays in enforcement until full payment is made (i.e. through recurring income or through sales of attached assets).
  - During this period a creditor does not need to remind the debtor of the case, in order for it to stay enforceable.
  - The case can be enforced until it reaches its period of limitation. After that it can only receive payment if it has been previously attached but the assets are not yet liquidated.
- If unable to pay → the case ends with impediment and the creditor is informed that the enforcement inquiry has shown that the debtor lacks enforceable assets.
  - The creditor must remind the debtor of the debt in order for it to not become time-barred if the time limit on grounds for enforcement expires.
  - Finnish child supports are enforceable for 5 years.

## Passive Registration



# Distribution of assets

- The Enforcement Code states that assets must be allocated in accordance to its' provisions.
- Assets collected through attachment shall be distributed according to the statutory order of priority.
  - Child support has a high order of priority.
- The enforcement officer shall allocate accrued assets first to the interest on each receivable, after this to the capital and finally to the costs, unless the parties have agreed otherwise.
- Assets are distributed on the oldest of the different capitals (i.e. capital from year 2020 before capital from 2023).
- The allocation made by the enforcement officer is binding on the parties and the creditor may not allocate assets he or she has received in another way.
  - Differences in currencies, differences in allocations, differences in indexation can cause a certain problem when the debtor receives a receipt of full payment only to perhaps receive a new notification of filing on supposedly paid child support.

- Electronical applications: Finland accepts applications of child supports electronically – does not need to provide an original of the child support agreement/judgement.
- Application language; all Nordic are accepted, but in reality English or Swedish are the most "convenient".
- E-mail addresses in applications; we would be happy to see an e-mail address with whom we can be in contact if needed (a faster method if something needs to be checked)
- Indexes; info must be provided and indexes specified by the applicant

# Sweden



A woman with dark curly hair and glasses, wearing a purple long-sleeved shirt and a white beaded necklace, is walking towards the camera. She is holding a white folder and a black bag. A man with a beard, wearing a blue sweater and a green lanyard, is walking slightly behind her to the right. He is holding a black jacket and a pair of sunglasses. Both are carrying shoulder bags. The background is a brick building with a window and a metal railing.

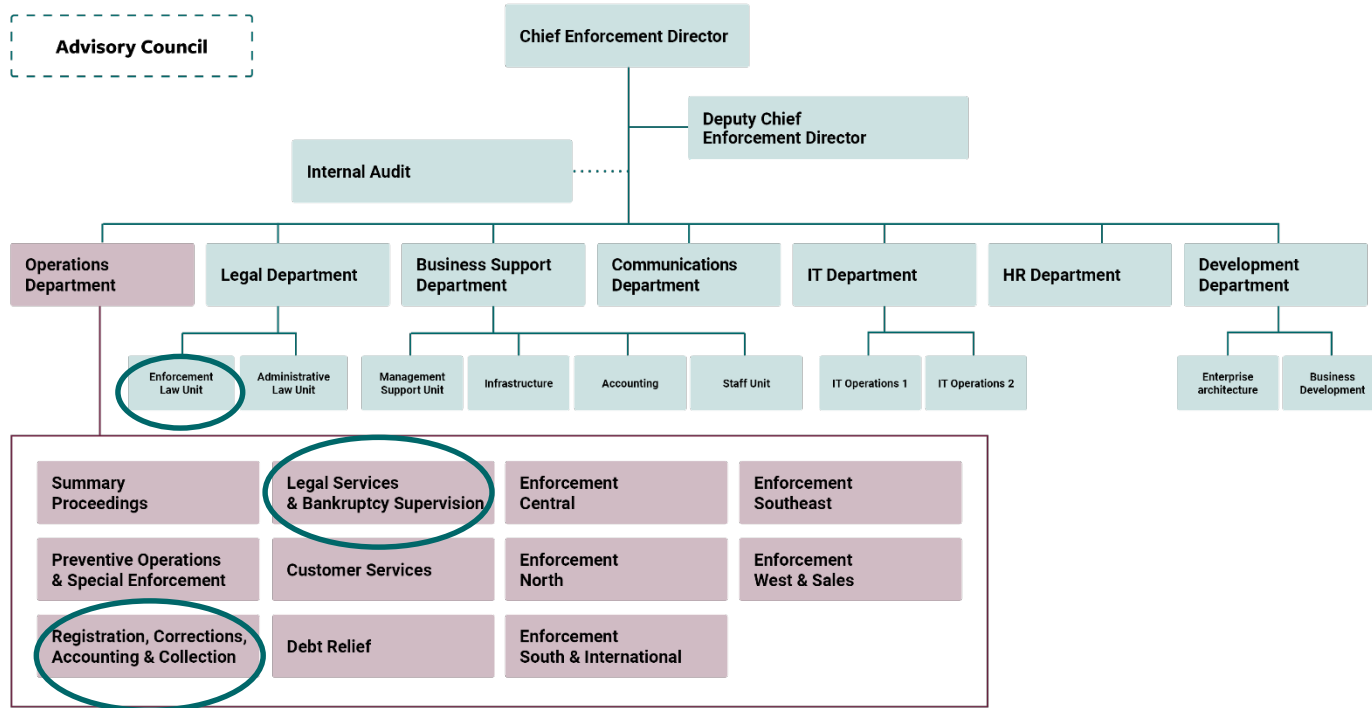
# Swedish Enforcement Authority

Kronofogden

# Participants from the Swedish Enforcement Authority

- Kristina Alexis, Senior Enforcement Officer, Legal Services
- Johanna Lindgren, Administrative Officer, Registration Corrections Accounting & Collection
- Katarina Grønning, Administrative Officer, Registration Corrections Accounting & Collection
- Ida-Maria Kejonen, Senior Legal Officer, Legal Departement

# Organisation



# **We have many important tasks**

**We issue an order to pay**

**We supervise the  
administration of bankruptcies**

**We seize assets**

**We cooperate to  
counteract organized crime**

**We decide on debt  
reconstruction**

**We provide advice and support**

# We aim to prevent over-indebtedness

**Sharing  
knowledge**

**Collaboration**

**Attention to  
debt traps**

**Legislative  
proposals**

# Swedish Enforcement Authority in numbers



---

# 14,7 billion

---

Seized amount 2022



---

**461 000**

---

Debtors in our registers



Businesses

67 000



Private citizens



394 000

# Common debts



Taxes



Vehicle related debts



Student loans



Maintenance  
allowance



Loans and  
other credits



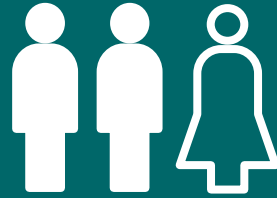
Crime related  
debts

# In our registers

26–34

---

Most common  
age



---

Two out of three  
are men



---

Life events



---

**2 300**

---

Number of employees



---

32

---

offices  
throughout the  
country



Head office  
**Sundbyberg**

## Foreign maintenance cases September 2023

	Debtors	Cases
Total	1 402	2 267
In euro	274	412
In PLN (Poland)	165	225
In DKK (Denmark)	111	188
In NOK (Norway)	613	973
In ISK (Iceland)	67	133
In other currency	172	336

# A case timeline

## Application

Application for enforcement is sent to Kronofogden.



## Notification

When the case is approved we send a notification of the case to the debtor.



## Asset investigation

If the debt remains unpaid after two weeks Kronofogden starts an asset investigation.



## Attachment

Attachment of salary or property.

## Report

If there are no property to attach Kronofogden establish a report of the investigation.



## Sale

Sale of property at auction.



## Distribution

Distribution and payment of funds.



## Case closed

The case is closed when it is fully paid or recalled by the creditor.

# Attachment of salary

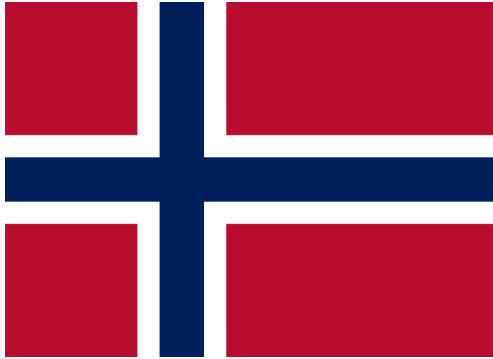
- 105 360 ongoing decisions 2022
- In connection with the attachment of pay, the maintenance allowance cases have priority before other claims.
- The right of priority applies also to such foreign maintenance allowance which may be enforced in Sweden, provided the allowance debt at the time of enforcement is not older than five years.

# News

- Digitalisation
- Outgoing payments possible in other currency than SEK
- Remote attachment
- Normal amount - Four age groups for children



# Norway





# Nordisk innkrevingskonferanse

September 2023

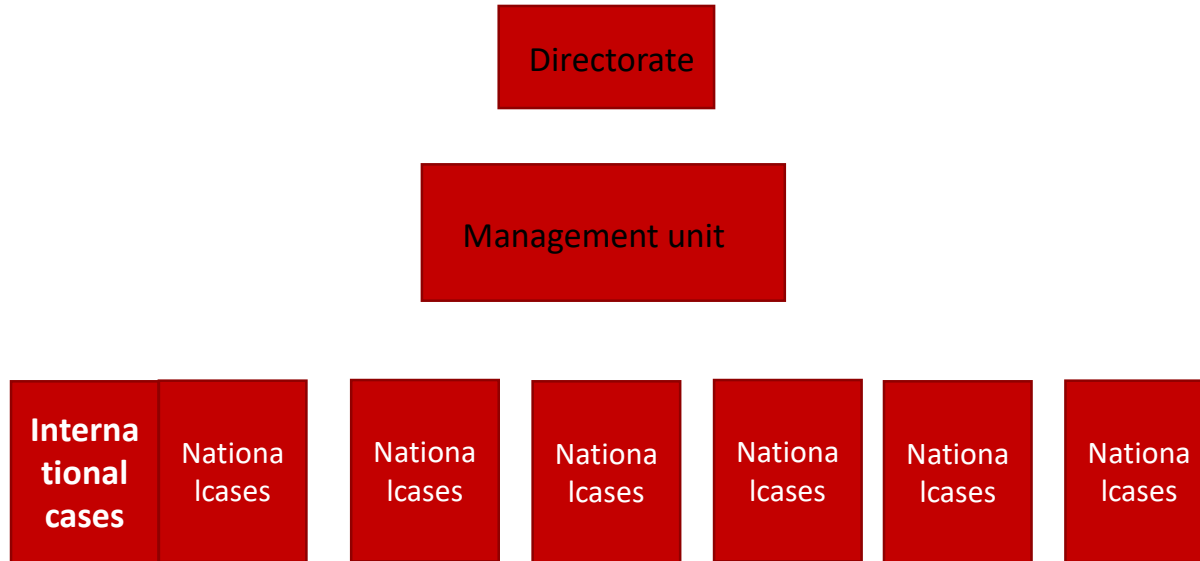
Floor de Jongh Bekkali, NAV Family Benefits and Pensions



# NAV Family Benefits and Pensions

- NAV Family Benefits and Pensions is Norway's Central Authority in accordance with the Hague Convention of 2007 and the Nordic Convention of 1962.
- The International Child Support Department, located in Oslo, is the receiving authority, and also the competent authority.
- NAV Family Benefits and Pensions Child Support has 21 employees, and is part of a unit that also handles national child support cases as well as parental benefits.
- We are responsible for establishment of child support in international cases, as well as for the recognition of foreign child support decisions, and recognition of foreign paternity decisions.

# The organization of Child Support at NAV



## News from NAV

- There have been no major legislative changes in child support establishment or collection in Norway
- The responsibility for all legal provisions administered by NAV was from January 1st 2023 transferred to the Ministry of Children and Families
- There have been smaller system changes, as well as big improvements in digital communication
- We are now able to send out our decisions digitally to users in Norway, or via a central printing unit
- Users with a Norwegian personal number can send us applications and messages digitally and can access part of the case documents by logging into our system
- Most of our staff work from home several days a week
- We have had a large turnover the last few years, and have had a longer case-working time than usual

## Timeline for an application for collection from a Nordic country

- The application is received by NAV Family Benefits and Pensions in Oslo
- We notify the debtor about the application
- A decision for collection is usually made within 6 months after receipt, but it may take up to a year
- If we receive an appeal, we can either make a new decision, or transfer the case to NAV Appeals. They have a case-handling time of about 6 months
- As soon as the decision for collection is made, the case is automatically transferred to the Tax administration for collection and enforcement



The Norwegian  
Tax Administration



# News from Skatteetaten Norway

**Nordisk innkrevingskonferanse Ringkøbing  
September 2023**

## New name from 01.09.2023:

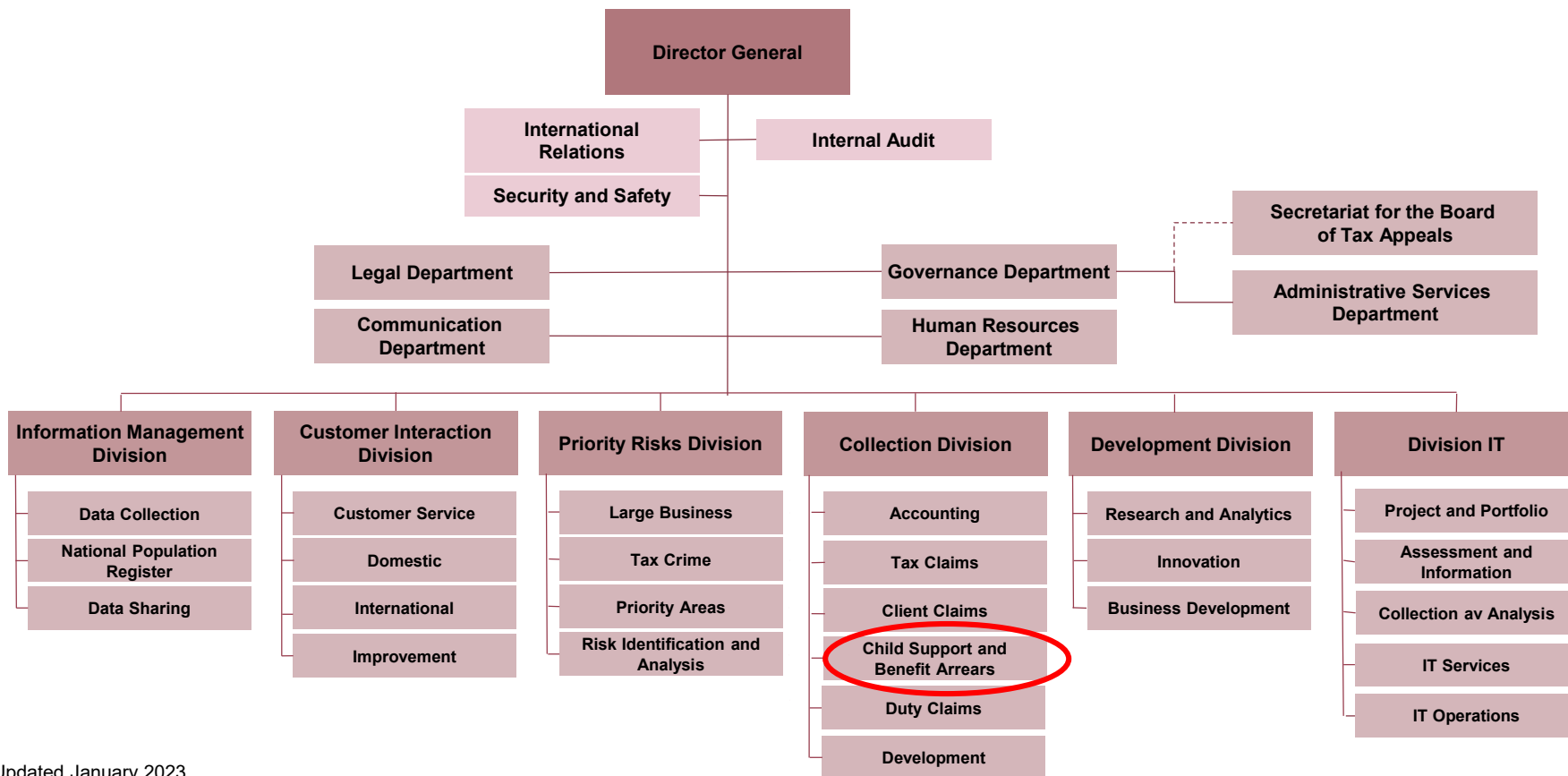
# The Collection Agency for Child Support and Overpaid Benefits

The Collection Agency of the Labour and Welfare Administration (NAV Innkreving) is from September the 1st 2023: **The Collection Agency for Child Support and Overpaid Benefits** (Innkrevingssentralen for bidrag og tilbakebetalingskrav).

- The Collection Agency continues to be a part of the Norwegian Tax Administration (Skatteetaten)
- The logo on our letters changes from the logo of NAV  to the logo of Skatteetaten. 
- NO other changes except for our e-mail address, which has changed to **utland.bt@skatteetaten.no**
- Our postal address, phone number and account numbers remain the same.
- Please do not distribute the e-mail address to the clients.
- The clients may contact us electronically by completing forms at [www.altinn.no](http://www.altinn.no).
- We have the same estimated handling time for e-mail as for ordinary post; appr. 4 weeks.

# The Collection Agency for Child Support and Overpaid Benefits

- The Collection Agency is located in Bjørnevatn, north east in Norway.
- We have about 115 employees collecting child support and overpaid benefits from NAV in Norway and abroad.
- 5 of these are working exclusively with collecting and enforcement of child support outside Norway.



Bidrag og tilbakebetaling, Bjørnevatn  
Cato Lindbäck

Seksjon 1 Frivillig betaling  
Trond Jørgensen

Gruppe 1 Bjørnevatn  
Britt Heidi Rustad

Gruppe 2 Bjørnevatn  
Erling Aksel Noste

Seksjon 2 Tvangsinnfordring  
Jorid Elise Saue

Gruppe 1 Bjørnevatn  
Helene Bertelsen

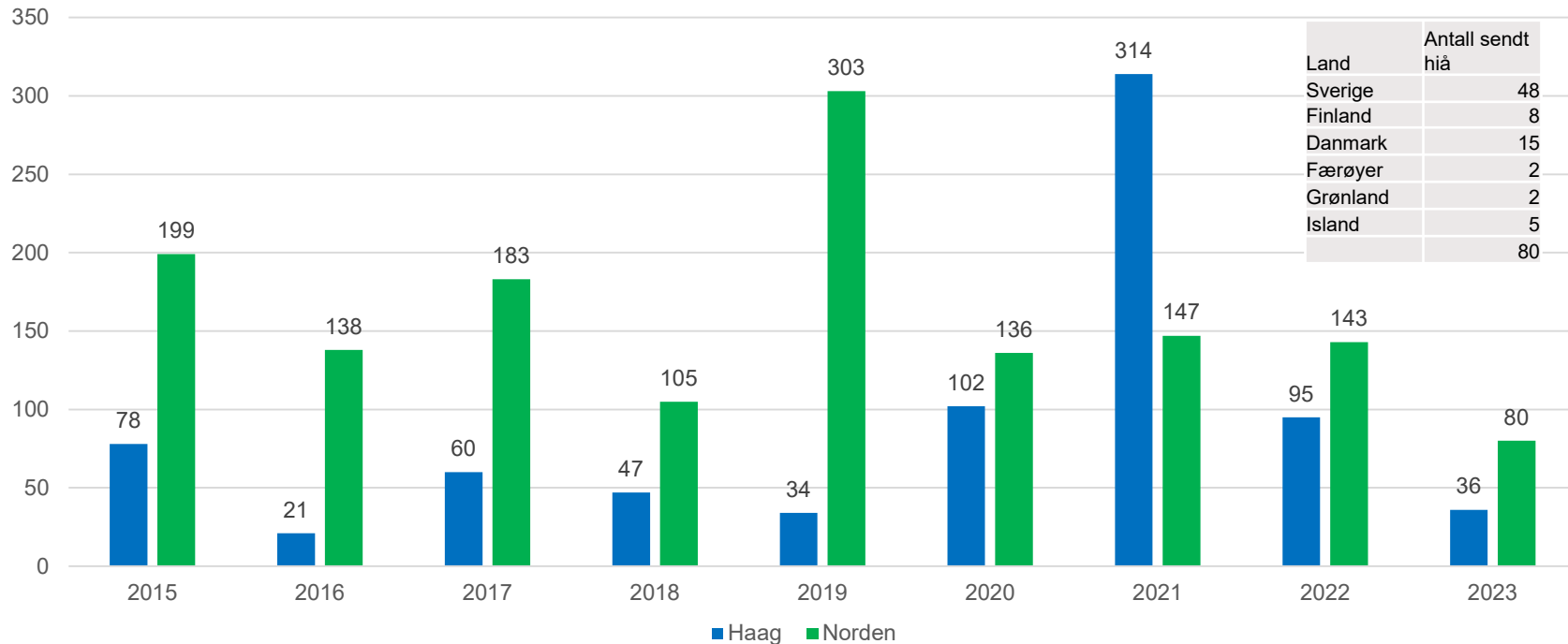
Gruppe 2 Bjørnevatn  
Stig Magne Pedersen

Gruppe 3 Bjørnevatn  
Espen Borten

Gruppe 4 Søknad og prosess  
Lise B Mathisen

## Sendte innkrevingsbegjæringer

Oppdatert 07.09.23

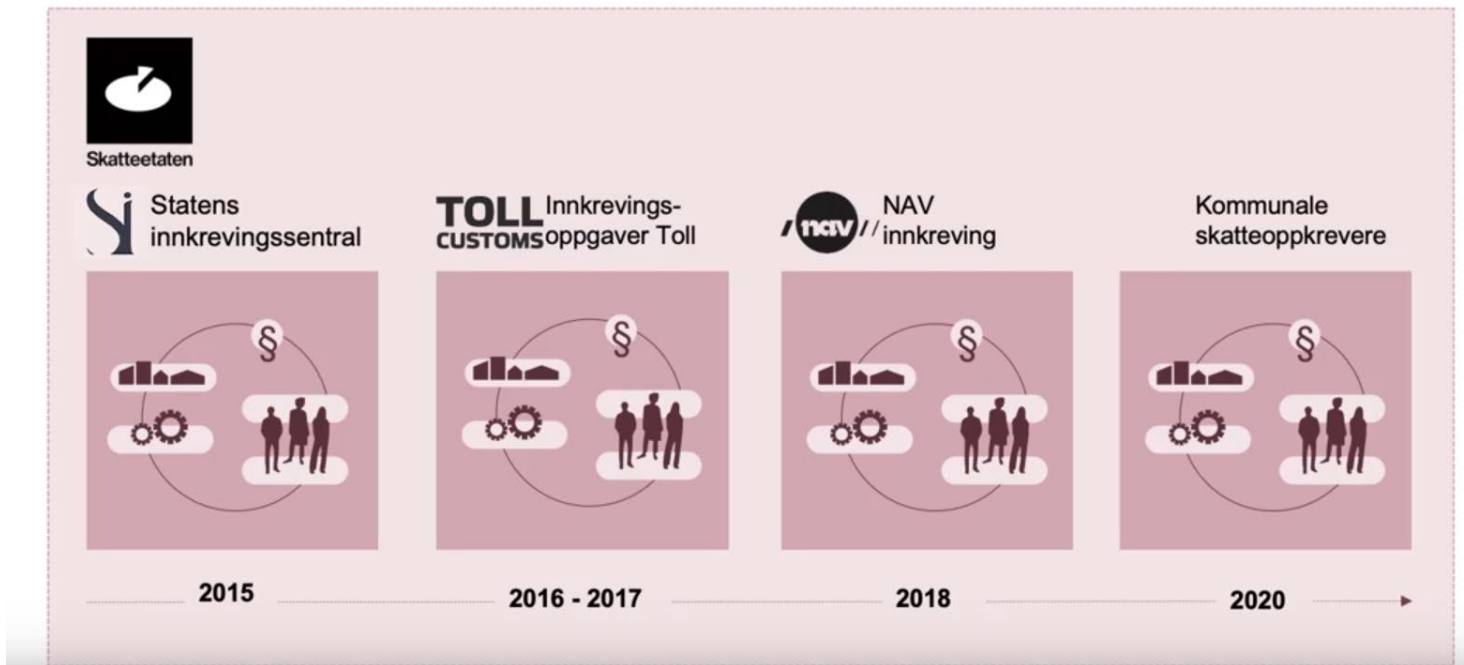


Land	Antall sendt hiå
Sverige	48
Finland	8
Danmark	15
Færøyer	2
Grønland	2
Island	5
	80

# Fremtidens innkreving

- The Future collection is based on the concept "Collection as part of the user's ecosystem".
- The vision is based on the assumption that the new collection and enforcement processes will be based on the lives of the inhabitants and the processes of the business sector. Payment of taxes, fees and public claims will become part of seamless services in the public sector and an integral part of the debtors' digital ecosystem.
- The debtor shall receive help wherever he turns and shall not have to keep track of which agency is responsible for what. Seamless services are also the core of the digitalisation strategy for the public sector, so we are early in developing solutions that will become more numerous in the years to come.

# Innkrevingsområdet i Norge er endret



Next:

New law, one casehandling system, new ways of organizing the job, «the client in the center»



 Brønnøysundregistrene

 **POLITIET**

 Lånekassen



# Timeline for collection child support

- Nordic claims are collected in the same way as national claims
- 80 % of the children are to receive all of the monthly child support, 95 % are to receive all or part of it
- It may take 5-6 months (or less) from we receive the case until the enforcement is established

## **Example:**

- Giro sent when we receive the case from NAV

- 5.10: payment due,

If no payment received:

- 10.11: first reminder,
- 10.12: second reminder and enforcement notification
- January: automatic check with registers
- February: automatic wage withdrawal information sent to employer
- March: wage withdrawal established



The Norwegian  
Tax Administration

# Optimizing the procedure of foreign payments



## Optimizing the procedure of foreign payments

*If the information are received at an earlier point, payments can be transferred to the custodial parents at an earlier stage.*

- *What information is needed on the lists that are sent together with bundled payments? Is it a better way to send these lists/information than by post?*

Intro to discussion by the Collection Agency for Child Support and Overpaid Benefits:

- It is challenging to identify which case the payment belongs to when we receive payments from some countries.
- If the payment is not marked with our reference number or name, we will have to wait until we receive the list with detailed information before we can allocate money to the case.
- If the money has not been allocated to the case, the custodial parent may receive misleading information from us. For example, she has called Finland and been told that the money has been sent to us, but if she calls here, she is told that we have not received the money, because the money is on hold here until the information list arrives.
- We would prefer that payments to us are marked with the name of the non-custodial parent, our case number and preferably the name of the custodial parent, if you have the opportunity to pay for each individual case.
- If you make a bundled payment from several people and send us an information list, we would appreciate:
  1. The list to be sent to us in the fastest possible way. Can it be sent by encrypted mail, or can you log in to the bank/portal to get the information out? A portal should be possible to log in to from abroad free of charge.
  2. The list is in such a format that it easily can be transferred to excel.
- When we make payments, the information lists are encrypted and sent by e-mail to Iceland, Denmark and Finland. We have tried to send encrypted to Forsäkringskassan as well, but they cannot receive it. So we have to send it by post.

**Any suggestions for optimizing the procedure?**



The Norwegian  
Tax Administration

# **Remaining debt in a case in the requesting state, but where the case is paid in full**

## Differences in arrears

- *What should be done, when there is a remaining debt in a case in the requesting state, but the case is paid in full in the requested state, and consequently the remaining debt will not be enforced there.”*

### How Norway tries to solve this issue:

- A Norwegian decision is being enforced abroad
  - The Norwegian accounts are the correct ones
  - We provide the requested state with an updated payment history and ask them to increase/decrease the claim in accordance with our accounts
- A foreign decision is enforced in Norway
  - The requesting state has the correct accounts
  - Norway can increase/decrease the claim in Norway in accordance with the requesting state's accounts
- Norway requests enforcement of a foreign decision in the country of origin
  - The requested state has the correct accounts
  - Norway can increase/decrease the claim in Norway in accordance with the requested state's accounts

- If the requested state refuses to update the case in accordance with the Norwegian accounts, we have to look for other ways to enforce the remaining debt
- We send a letter to the debtor and inform them that the case has been closed in the *requested state, and that the debtor has to pay the rest of the debt to directly to us in order for the case to be closed here as well. We also write that we have the correct accounts, because the child support decision is a Norwegian one.*
- If the debtor does not pay voluntarily, and we are not able to find other sources for enforcement, the remaining debt will be written off after eight years, or when it is obsolete
- We use a lot of time to find out why there is a difference between our accounts and the requested state's accounts. Very often we do not find the answer. Probably it is because of currency variations. Still, the debtor has to pay the rest of the amount to us, as the claim is not paid in full until the creditor has received the full amount in Norwegian kroner.
- *This topic has been discussed several times before; in Copenhagen in 1985 as well as in Kirkenes in 2016 and in Visby in 2018*

# General follow-up Visby, Sweden 2018





# **A Nordic recovery form**

Linda Bolstad/ NAV  
Eva Kellman/ Gældsstyrelsen



Microsoft Word  
17 - 2003-dokumenter





# **The availability of secure E-mail**

## Kronofogden





**Online website**  
**Convention precedence**  
**Familieretshuset**





## **Contact list and website**

Innheimtustofnun sveitarfélaga



Lunch 12:00-13:00





# **The Øresund Report and the cooperation between the Nordic countries**

Anna Palmehag, Øresundsinstitutet





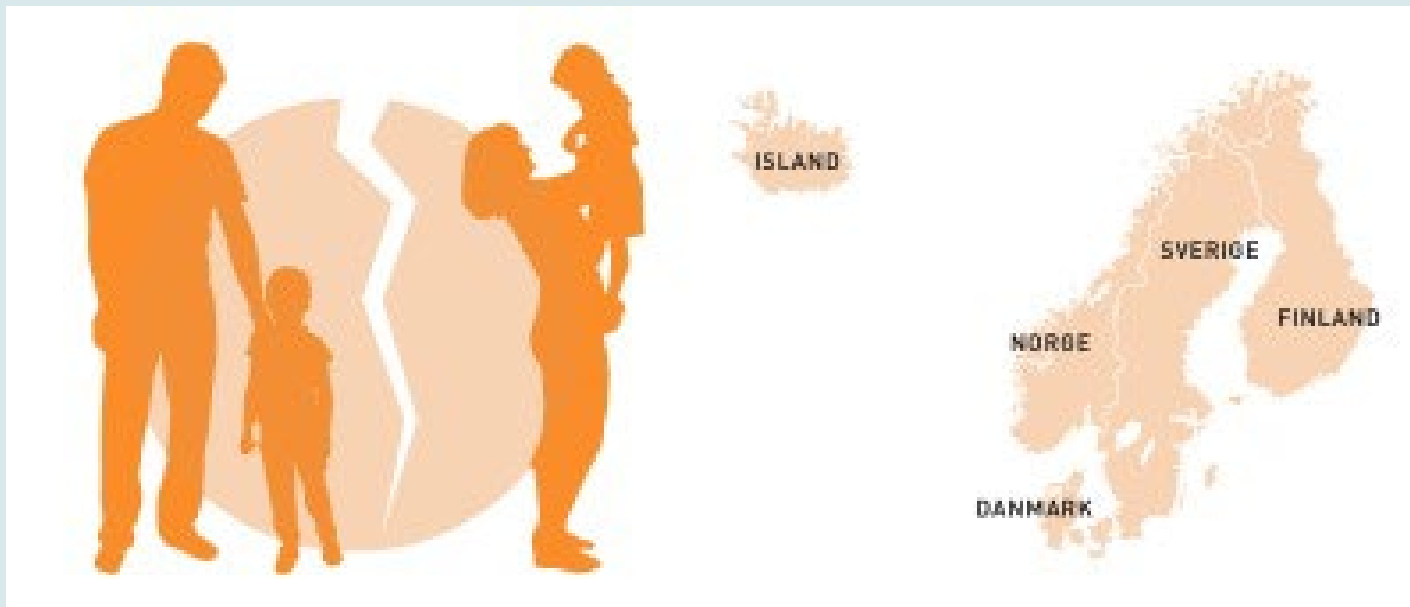
# CHILD SUPPORT OVER THE NORDIC BORDERS

**Anna Palmehag**  
19 September 2023



**IT STARTS WITH  
LOVE**

**But sometimes...**



... it ends with

**CHILD SUPPORT**



On behalf of the  
Nordic information  
and border services

Finished in 2020 –  
updated and  
published in 2022

## REPORT ON CHILD SUPPORT

An independent member financed non-profit organisation

ca 120

members in Sweden  
and Denmark



Analyses



Network meetings



News agency

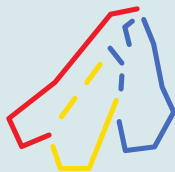
**DANISH-SWEDISH CENTER OF KNOWLEDGE**



Info Norden  
Nordiska ministerrådets  
informationstjänst

## Info Norden

– all Nordic countries and regions



Gränstjänst  
Rajaneuvonta  
Grensetjeneste  
POHJOISKALOTTI | NORDKALOTTEN

## Nordkalottens gränstjänst

– the border region between Finland, Norway and Sweden

øresunddirekt  
oresunddirekt.com

## Øresunddirekt

– the border region between Denmark and Sweden

grense•tjänsten  
NORGE-SVERIGE

## Grensetjensten Norge-Sverige

– the border region between Norway and Sweden



**The parents can  
always make their  
own agreement**

**This report looks into  
the cases when they  
haven't.**



- Most cases between Norway and Sweden ...
- ... followed by Denmark and Sweden.
- But there are cases between all countries.



## Denmark, Iceland & Norway

– the authorities set  
the level of child  
support



## Finland & Sweden

– the courts set the  
level of child support

# TWO SYSTEMS



## Child support

The set level of support that the liable parent should pay to the receiving parent (or the child)



## Maintenance support / advance payments

The support that authorities pay in advance or instead of the liable parent, and then reclaims from the liable parent.



## The special case of Sweden:

No requirement of a set level of child support to pay maintenance support.

Leads to difficulties in cross-border cases.



**DIFFICULTIES**

## Information

Less cross-border  
information

Fewer officials deeply  
familiar with the  
issues

A more complex  
situation



## Laws and regulations in two countries

- More complicated  
for authorities
- Harder to  
understand for  
parents
- Help is asked for.





Longer processing time for  
authorities



Longer waiting times for  
dept recovery

**LONGER TIME**

## Languages and terminology

- Might be difficult to understand and communicate
- Similiar terminology might have different meanings.

Danmark	Finland	Island	Norge	Sverige
Børnebidrag Underholdsbidrag (omfatter både børnebidrag og ægtefællebidrag) Uddannelsesbidrag efter 18 år	Elatusapu/ Underhållsbidrag	Meðlag	Barnebidrag/ Under- holdsbidrag	Underhållsbidrag
Bidragforskuð/ Forskudsviis udbetalt børnebidrag	Elatustuki/ Underhållsstöd	Meðlag	Bidragforskuð	Underhållsstöd
Børnetilskud/ Børnefamilieydelse Børne- og ungeydelse	Lapsilisä/ Barnbidrag	Barnabætur	Barnetrygd	Barnbidrag

Källa: Försäkringskassan

## The Nordic Language Convention

*“The Contracting States undertake to endeavour to ensure that a national of a Contracting State may, if necessary, use his or her own language in contacts with the authorities and other public bodies of another Contracting State.”*



## Currency

Follows the currency rate of the country where the child support is set.

Changes in the currency rate can affect either parent – or the taxpayers.

## Information about cases across borders

- Parents might face difficulties in getting information about their case.
- Authorities might face difficulties regarding legal possibilities to obtain information.



## **The Nordic Debt Collection Convention**

Denmark, Finland, Iceland,  
Norway and Sweden

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## **The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (EU)**

Finland and Sweden

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## **The Hague Convention**

Finland, Norway and  
Sweden

---

## **The Lugano Convention**

Iceland and Norway, in  
relation to Denmark,  
Finland and Sweden

## **The Convention of the Recovery Abroad of Maintenance (UN)**

Denmark, Finland, Norway and Sweden

## **INTERNATIONAL CHILD SUPPORT CONVENTIONS**

	Danmark	Finland	Island	Norge	Sverige
<b>Danmark</b>		Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen
		New York-konventionen	Lugano-konventionen	Lugano-konventionen	New York-konventionen
<b>Finland</b>	Den nordiska indrivnings-konventionen		Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen
	New York-konventionen		Lugano-konventionen	Haagkonventionen Lugano-konventionen	EU:s underhålls-förordning
<b>Island</b>	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen		Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen
	Lugano-konventionen	Lugano-konventionen		Lugano-konventionen	Lugano-konventionen
<b>Norge</b>	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen		Den nordiska indrivnings-konventionen
	Lugano-konventionen	Haagkonventionen Lugano-konventionen	Lugano-konventionen		Haagkonventionen Lugano-konventionen
<b>Sverige</b>	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen	Den nordiska indrivnings-konventionen	
	New York-konventionen	EU:s underhålls-förordning	Lugano-konventionen	Haagkonventionen Lugano-konventionen	

- The Nordic Debt Collection Convention
- The Convention on the International Recovery of Child Support and Other Forms of Family Maintenance (EU)
- The Hague Convention
- The Lugano Convention
- The convention of the Recovery Abroad of Maintenance (UN)



**Fewer legal possibilities for the liable parent**

**Might not be able to get a reset of the level of child support.**



**Difference in the level of income and costs**



**Perceived injustice**

When the receiving parent moves abroad with the child

**PERCEIVED PROBLEMS**

## Swedish cross-border commuters can avoid paying maintenance support

If:

- the child support level is not set
- the liable parent has no income in Sweden



## Border obstacle solved:

Regarded Icelandic receiving parents in Denmark

Danish authorities reviewed the cases separately

## The Nordic Borders Barriers Council

- One member from each Nordic country and autonomous region
- Solves border obstacles between all Nordic countries
- Under the Nordic Council of Ministers







**TACK!**



# Optimizing the procedures of foreign payments

## Skatteetaten





**Coffee break 14:15-14:45**





# Discussions



# Discussion points (15 min.)

- 1) Debt restructuring on international claims; guidance and information to the debtor  
Gældsstyrelsen
- 2) Remaining debt in a case in the requesting state, but where the case is paid in full  
Skatteetaten
- 3) Rejection of subsequent collection; case Denmark-Sweden  
Kronofogden
- 4) Imposed costs of foreign/indirect payment to the beneficiary; guidance to the debtor  
Gældsstyrelsen
- 5) Indexation and the ensuring of correct charges  
Gældsstyrelsen
- 6) Request forms and signatures; what states the Nordic convention?  
Gældsstyrelsen



Gældsstyrelsen:

Debt restructuring on international claims;  
guidance and information to the debtor



Skatteetaten:

Remaining debt in a case in the requesting state,  
but where the case is paid in full



Kronofogden:

Rejection of subsequent collection;  
case Denmark-Sweden



Gældsstyrelsen:

Imposed costs of foreign/indirect payment to the beneficiary; guidance to the debtor



Gældsstyrelsen:  
Indexation and the ensuring of correct charges



Gældsstyrelsen:

Request forms and signatures; what states the Nordic convention?





**Free time 16:30-17:30**



# Guided tour

Søren Damgaard, Architect

Lars Roesen, Headmaster



Dinner 19:00



# **Nordic Child Support Enforcement Conference**

19-20 September 2023

Ringkøbing, Denmark



# Day 1, Tuesday 19<sup>th</sup> September

- 09:00** Welcome
- 09:15** News from your country; A brief presentation and organizational/legal updates, including a case's timeline (20 minutes per country)  
Coffee break included
- 11:15** General follow-up on working groups as agreed in Visby in 2018
- 12:00** Lunch
- 13:00** The Øresund Report and the cooperation between the Nordic countries  
- Anna Palmehag, Øresundsinstituttet
- 13:45** Optimizing the procedures of foreign payments  
- Skatteetaten
- 14:15** Coffee break with the possibility to check in rooms
- 14:45** Discussions (please see appendix with discussion points)
- 16:30** Free time
- 17:30** Outdoor activity
- 19:00** Dinner



# Day 2, Wednesday 20<sup>th</sup> September

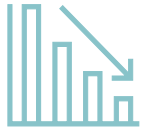
- 07:30 Breakfast
- 08:30 Recapitulating Day 1
- 09:00 Insolvency and restructuring of debt  
- Kronofogden
- 09:30 Statutes of limitations  
- Familieretshuset, Udbetaling Danmark, Gældsstyrelsen
- 10:00 Coffee break with the possibility to check out rooms
- 10:15 Obtaining financial information in other Nordic countries; procedures in your country (approx. 10 minutes per country)
- 11:30 Deciding on the next meeting
- 11:45 Thank you and summarizing the conference
- 12:00 Lunch or to-go lunchbag





## Recapitulating Day 1





# **Insolvency and restructuring of debt**

## Kronofogden





# Debt restructuring

*Skuldsanering Sweden*

# What is debt restructuring ?

The debtor pays according to his/hers ability (payment plan) or 0 SEK if no ability to pay

Payment plan 5 years or shorter

Debtor pays to Kronofogden once a month (not in June and December)  
Kronofogden pays the creditors once a year

After 5 years, the person no longer has the debts included in the debt restructuring

Also possible for entrepreneurs but 3 years, payment every month and payment at least one-seventh of the price base amount per quarter

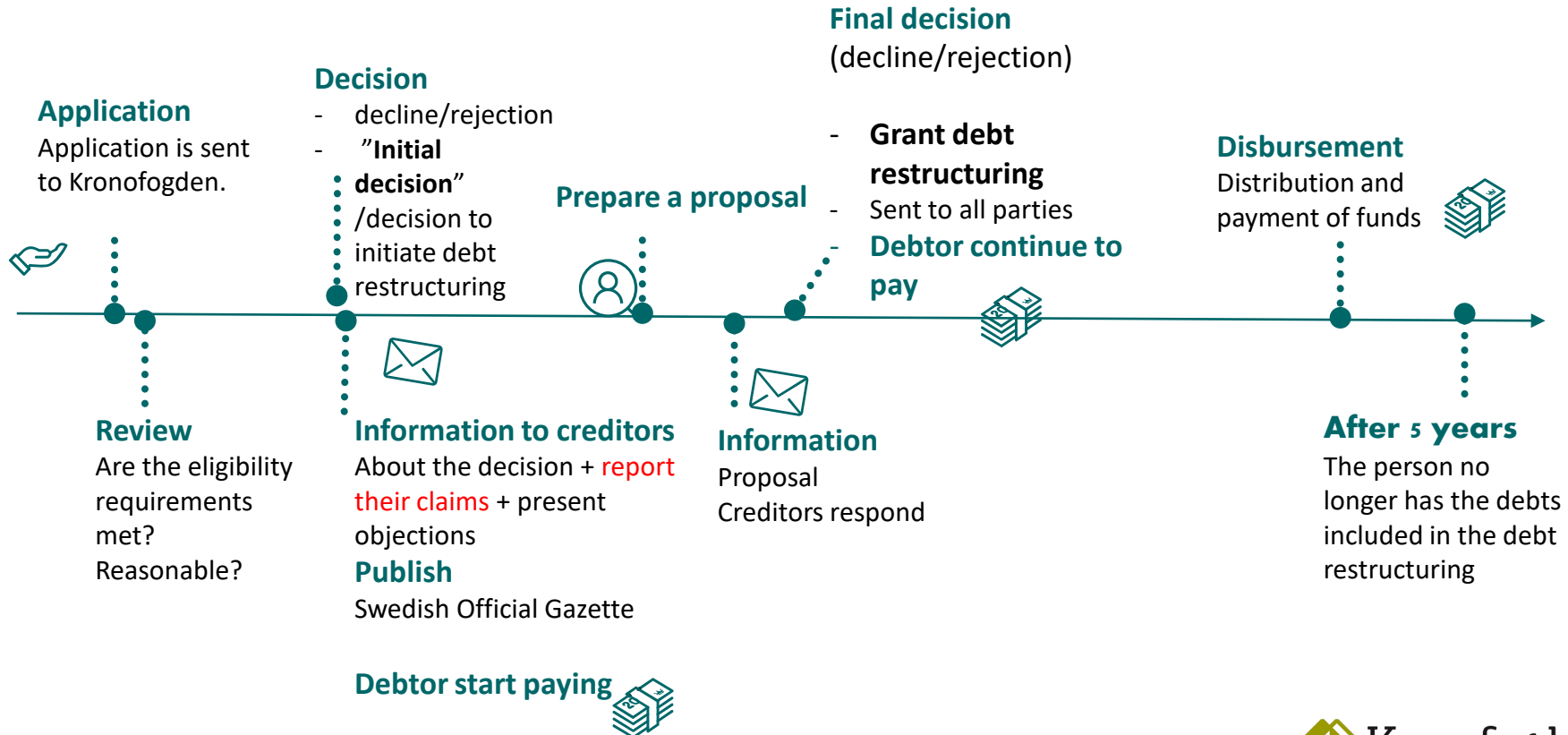
# Requirements

Physical person who has his/hers main interest in Sweden (live, work or have debts here)  
Not be under a trading prohibition

So indebted that the debts will not be paid for many years

It's reasonable considering the debtor's personal and financial circumstances

# A case timeline



# Debts included or not included in debt restructuring

## **Main rule:**

All debts incurred before "the initial decision" should be included

## **Exceptions**

= should be paid in full

Child support (Maintenance support=debts to public body, are included)  
(debtor pays ongoing child support)

Debts with security (mostly real estate loans)

Disputed claims

***Question from Kela (the Finnish Social Insurance Institution):  
There is a Swedish decision on restructuring of debt, in some cases a Finnish one.***

***How is such a maintenance debt enforced by Kronofogden, especially if part of the debt has been restructured.***

***In cases where part of the debt has been restructured there has been some confusion as to what the process is and how and when Kela should act.***

A maintenance debt to a public body (Försäkringskassan, Kela etc) is included in the debt restructuring  
= when the restructuring has ended after 5 years no enforcement is possible for the "unpaid part".

A child support debt is **not** included in the debt restructuring  
= enforcement is possible for the debt both during the debt restructuring period and afterwards.

Application is needed.  
Enforcement is carried out (without taking into account a possible ongoing debt restructuring)



# **Statutes of limitations**

Familieretshuset  
Udbetaling Danmark  
Gældsstyrelsen



# **Statutes of limitations**

A short introduction of the practice in Denmark

# The legal framework

- The *Nordic Convention of 23rd of March 1962 on enforcement of child support* does not state the limitation period for claims collected in another country nor does it state which country's law is applicable.
- The *Council regulation of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matter relating to maintenance obligations* states that law of the Member State which provides for the longer limitation period shall be used (article 21, 2).

# The Danish practice

- It has been decided by Gældsstyrelsen and Udbetaling Danmark that the statutes of limitations depend on the rules of the country where the existence of the child support was decided.

## The Danish statutes of limitations (for "Danish" claims):

- Child support not prepaid by Udbetaling Danmark = 3 years  
(forældelsesloven § 3, stk. 1)
- Child support prepaid by Udbetaling Danmark = 10 years  
(børnetilskudsloven § 18, stk. 1)

# Statutes of limitations

- When the claim is collected in Denmark

The limitation period depends on whether the claim is prepaid by Udbetaling Danmark or not.

## **When the claim is prepaid by Udbetaling Danmark:**

The limitation period is 10 years according to Danish law (regardless of where the existence of the child support was decided).

This follows by a special rule under Danish law regarding child support.

## **When the claim is not prepaid by Udbetaling Danmark**

The limitation period depends on the rules of the country where the existence of the child support was decided.

For example, the limitation period for Swedish claims is 5 years.

# Important information

- When requesting collection in Denmark

In order for us to decide the correct limitation period, it is important for us to know the following:

- In which Nordic country has the existence of the child support been decided?
- Is the child support being prepaid in another Nordic country? If it is prepaid, does it have any impact on the limitation period?
- Have any statute-breaking actions been taken?

## **Collaboration with other Nordic countries**

We need to be familiar with statutes of limitations in other Nordic countries - that's why we need your help.

Who can we contact in your country?



**Coffee break 10:00-10:15**





## **Obtaining financial information in other Nordic countries**



# **Child Support in Denmark**

Obtaining financial information in other Nordic countries

- Familiærretshuset determines and changing support in Denmark
- Financial information is necessary for the processing of some of our cases

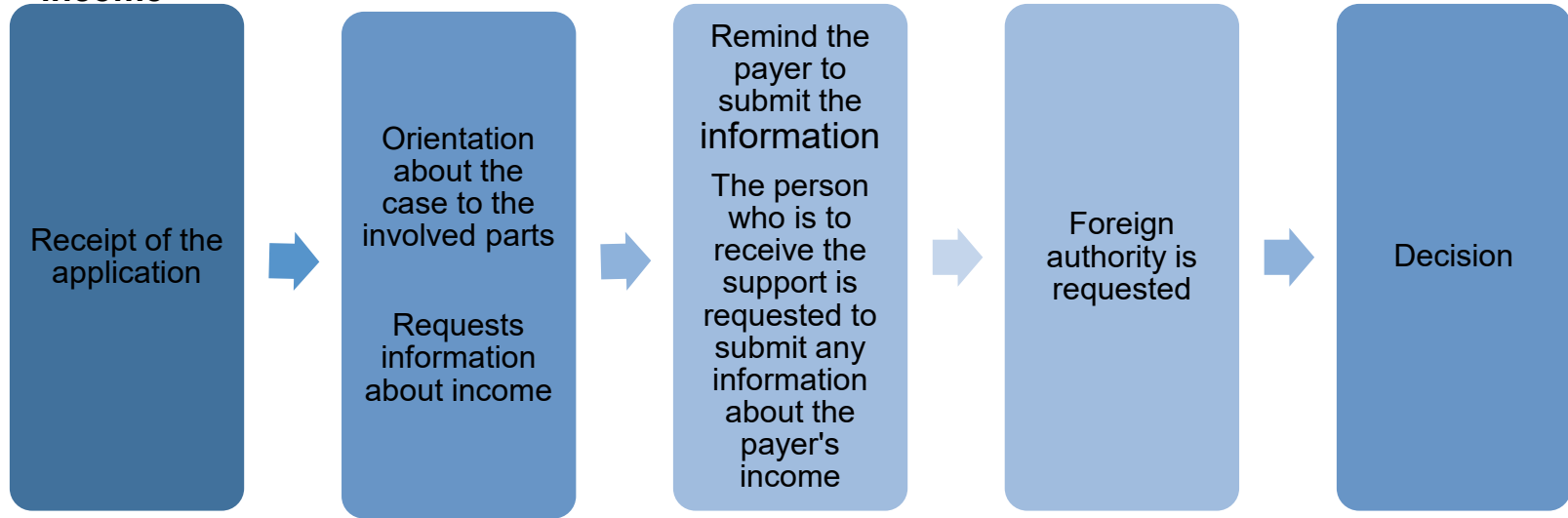
**Payer is liable for tax in Denmark**

We obtain the information ourselves from the Danish tax authorities

**The payer is not liable for tax in Denmark**

The involved parts must inform the case about the payer's financial situation

## Timeline if the payer is not liable for tax in Denmark and do not submit information on income



The consequences if we do not receive the information:

**Child support:** determines the standard rate of child support

**Educational support:** refusal to determine support

**Spousal support:** refusal to determine support

## Obtaining financial information in other countries

We send the request to the tax authorities

### Response we receive

- |                      |  |
|----------------------|--|
| <b>Faroe Islands</b> | - Only have national authority to hand over information between national authorities.  |
| <b>Norway</b>        | - Refuses according to the UN convention<br>- Our national authority is not sufficient<br>- Denmark is not a member of the Hague Convention of 2007            |
| <b>Iceland</b>       | - Receives the information   |
| <b>Sweden</b>        | - Skatteverket refuses and states that the information is confidential according to national law<br>- Försäkringskassan refuses according to the UN convention |

## Round the table discussion

Procedure in your country for requests for financial information abroad

- Authority to request the information
- Do you receive the information?
- The consequences of not receiving them

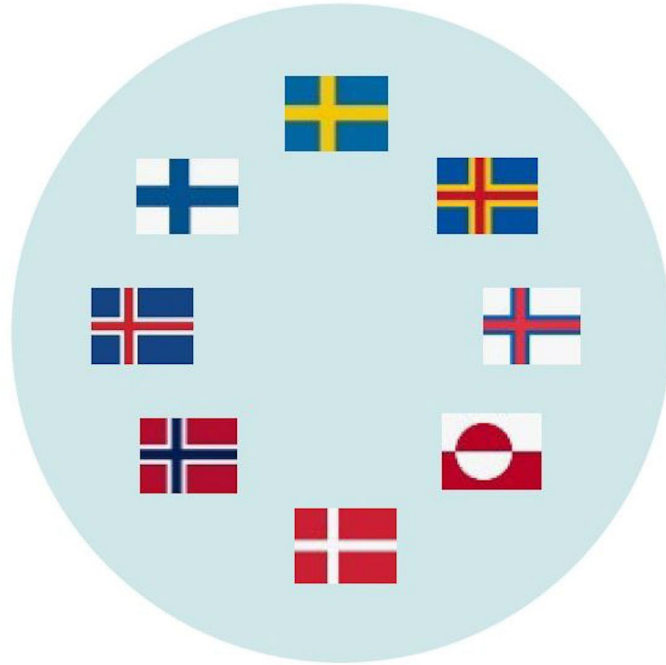


## Deciding on the next meeting



# Past meetings

- 2012 Finland
- 2014 Faroe Islands
- 2016 Norway
- 2018 Sweden
- 2023 Denmark
- 2025 ?





**Thank you and  
summarizing the conference**



Lunch 12:00-13:00



# **Nordic Child Support Enforcement Conference**

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