

Child Support Procedures in Norway



 // Kirkenes

 // Oslo

International Conference // Heidelberg, Germany // 5 - 8 March, 2013

Organization

NAV National Office for Social Insurance Abroad

- Establishes child support orders
- Approves international orders for enforcement

NAV National Insurance Collection Agency

- Enforces collection in Norway
- Transmits for collection abroad

NAV National Office for Social Insurance Abroad

- A centralized office for international social insurance and child support cases



- Employees
 - 200 in total
 - the child support section has 22 employees

NAV National Office for Social Insurance Abroad – Child Support Section



Child Support in Norway

- 5 million people in Norway
- 120 197 child support cases
- 10% of all cases are international (12 082)

The Norwegian Legislation on Child Support

- The Children Act
- The Advance Payment of Maintenance Act
- The Maintenance Payments Recovery Act

Norway's International Obligations Regarding Child Support

- The Nordic Convention
- The UN Convention
- The Hague Convention - 1958
- The Hague Convention - 1973
- The Hague Convention - 2007
- The Lugano Convention
- Reciprocal agreement between the US and Norway from June 2002

Jurisdiction

- According to the Children Act, Norway will always have jurisdiction to establish a child support order when one of the parties or the child lives in Norway.

Assessment Rules

- When one of the parties lives abroad – always discretion
- Child support is stipulated on the basis of an average maintenance cost for the child
- We take into consideration the parents' incomes as well as their purchasing power in their countries of domicile
- We also consider the non-custodial parent's ability to pay child support
- We can take into account that the non-custodial parent has expenses due to visits from the child

Necessary Information from the applicant

- Residence information
- Proof of paternity
- Documentation of income
- Agreement regarding visitation
- Child care expences, medical expences and benefits

Information needed from non-custodial parent:

- Documentation of income
- Agreement regarding visitation
- Household members and other child support obligations

Establishing Paternity

- Can be established in Norway if one of the parties resides in the country
- Handled by local offices
- An application can be sent to our office

Child Support Over 18 Years of Age

- A new application is needed
- The child must apply by him/herself if turned 18
- Documentation of school attendance is required
- Is normally only granted for secondary education, not college/university

Haag Conventions - Recognition and Enforcement of Maintenance Orders

- NAV National Office for Social Insurance Abroad is Norway's central authority and recognizes foreign orders for enforcement
- Most claims from the Nordic countries, Poland, Germany, USA and the Baltic countries
- Many requests for recognition and enforcement are made under the New York Convention of 1956, but we ask that the Hague conventions are used instead

The Hague Conventions – Required Documents

- Complete order/decision (true copy or original)
- Certificate of enforceability from the state of origin
- If the decision is rendered by default, documentation of service of the notice on the non-custodial parent must be included
- Statement of arrears
- Bank account information
- Documentation of paternity
- Power of attorney from the applicant
- All documents must be translated into English or Norwegian

IT – Systems in NAV

- Electronic Archive
- BISYS
- We have access to the national population and employment registries
- We can only use these accesses when handling an application to establish a child support order
- It is illegal for us to give out address- and income information on request

The National Insurance Collection Agency

NAV National Insurance Collection Agency

A centralized collection unit, established in 1992

- Child support
- Incorrect social security payments

Employees

- 142 in total; 50 in child support enforcement
- Others work in HR, legal, accounts, IT

Child support enforcement numbers

- 106 000 non-custodial parents
- 130 000 custodial parents
- 161 000 children
- NCP Gender: 92,8% male & 7,2% female
- Total amount due in child support each month EUR 25 million
- Total arrears EUR 365 million (May 2007)

Communication and information

- Face-to-face interaction is minimal due to location
- Access to employees via telephone
 - Our primary point of contact with NCPs
 - 4 000 calls per week
- Incoming letters, faxes & e-mails
 - 1 000 per week
- Non-custodial parents may visit local NAV-office for assistance
- Website with payment information, relevant publications and forms (www.nav.no)

Communication and information

- Automated computer systems
 - Software especially developed for collection
 - Automated invoices/reminders/letters

Voluntary payers: 40%

**40% of child support is
paid in one of the following ways:**

- Agreed bank endorsements (direct debit, standing order)
- Invoicing
- Only communication is monthly invoice or bank statement

Arrears Management

- Enter into dialogue with non-custodial parents
- Consider their income and expenses
- Payment can be made in installments or be deferred

Non-voluntary payers: 60%

- Income withholding
- Tax refund offset
- Claim bankruptcy
- Seizure and sale of assets
- Seizure of third party assets

Traveling Restrictions & Passport Impoundments

- Traveling restrictions (ban on leaving the country)

- Passport impoundment

- Full payment of arrears and security for future child support is required

- Preventive measure
 - Consequences for the parent who is not able to return to home country

Criminal Prosecution

- Only in cases where the non-custodial parent has the means, but is unwilling to pay (own company, illegal employment, unwilling to work)
- Fine or prison sentence of 1-6 months
- Preventive measure
 - Press coverage
 - Consequences (criminal record, stigma)

NAV National Office
for Social Insurance Abroad
P.O. Box 8138 Dep.
0033 Oslo
+47 21 07 37 00
nav.internasjonalt@nav.no



NAV // Kirkenes

NAV National Insurance
Collection Agency
9917 Kirkenes
Norway
+47 21 05 11 00
navi@nav.no

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