

# International Maintenance Cases

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## Some Preliminary Research

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Authors: Hannah E. Roots  
Managing Director

John Storzuk  
Research Analyst

Family Maintenance Enforcement Program  
Province of British Columbia, Canada

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*The views and opinions expressed in this paper are those of the authors and do not reflect the official policy or position of the Province of British Columbia or of any of the States or organizations that contributed to the research.*

## INTRODUCTION

The evolution of child support over the past four decades has seen the increasing use of data and metrics as an important driver of both policy and legislation. As child support programs have matured, a wealth of different measures has been developed to track the effectiveness of those programs and the impact that child support has in the lives of families and children<sup>1</sup>.

The development and refining of child support metrics has also enabled a focus on particular segments of the child support caseload, and with the conclusion of *the 2007 Hague Convention on International Child Support and Other Forms of Family Maintenance* (the Convention), international cases<sup>2</sup> have become a subject of discussion within the child support community. Once the Convention comes into effect, there is expected to be growth in the number of international cases, and that has led to questions about the current international maintenance caseload.

An informal survey of a number of countries through the National Child Support Enforcement Association (NCSEA) International Subcommittee in 2011 revealed that few jurisdictions<sup>3</sup> have systematically collected data on international child support cases, and there are differences in the data available in different jurisdictions concerning international cases. There have been few attempts to collect data from different jurisdictions with a view to finding out what commonalities or differences might exist in the international child support caseload.

Those conversations led to the creation of a research project to look at three very basic questions:

1. What data about international maintenance<sup>4</sup> cases is available?
2. Can that data be compared in any meaningful way to provide some broader insight into international child support cases?
3. What does the available data indicate concerning the families and cases that make up the international maintenance caseload?

In addition to the collection of “hard data” about the international cases, we also decided to collect some qualitative information from the child support caseworkers responsible for managing international cases in the different jurisdictions. The successful collection and transmission of child support depends upon these staff, and we were interested in their perspective on international cases. We wanted to know a little about these caseworkers and their work - what works and does not work on international child support cases, and what steps could be taken to improve the management of these cases.

Thus, this research project had very modest goals. We wanted to find out what the international child support community knows and does not know about international cases, to find out in a general sense what the cases and families look like, draw some very preliminary conclusions (if possible) from the data and surveys, and set out some recommendations and research advice for other researchers that might wish to do further research into these cases.

This paper is divided into four parts. In the first part we present our methodology and a description of the data that we collected. In the second part, we present the conclusions and findings that we were

able to extract from the data. In the third part of the paper we review the information and feedback received from the caseworker survey. In the final part, we discuss the research project itself and answer the two research questions above – what data is available and whether it can be compared.

## EXECUTIVE SUMMARY AND HIGHLIGHTS

The research project established that, with limitations, it is possible to collect data from different jurisdictions concerning international cases and use that data to get a baseline picture of international cases. There is reliable data concerning the characteristics of families and clients on the caseloads and to a limited extent, we can compare the data to find similarities and differences between jurisdictions. However, as we started looking at more detailed data, in particular concerning payments and arrears, we found that the data available in these areas was much more limited and not reliably comparable across jurisdictions, because of fundamental differences between jurisdictions and the complexity of maintenance financial information.

On the qualitative side, the responses from caseworkers consistently showed an enthusiasm for the work, together with very similar responses in terms of the need for better technology to allow caseworkers to communicate efficiently and effectively across borders. Finally, the project provided us with some useful experience in terms of conducting research into international cases and we were able to come up with a number of recommendations for future researchers.

### International Caseload Highlights

1. The size of the international caseload is small. With the exception of Ontario and New Zealand, these cases generally make up less than 10 percent of the overall caseload, and in most cases, amount to only a percent or two of all cases.
2. Geographic proximity is an important factor in determining which jurisdictions have significant numbers of cases with each other.
3. International cases most commonly involve parents between 30 and 50 years of age, with 1 or 2 children, between the ages of 10 and 18.
4. International cases are significantly skewed between cases that are fully paid (no arrears) and cases where no payments have ever been made.
5. To a large extent, the profile of an international case, on the measures we looked at, resembles the profile of a domestic case.
6. Data limitations and program structure affected the ability of some jurisdictions to supply comparable data. For this reason, only limited data from Ontario and Germany could be included in the research.

### Caseworker Survey Highlights

1. Most caseworkers responding to the survey had significant experience working international cases. The median number of years of experience was seven years.
2. Most of the caseworkers have mixed caseloads – they work non-international cases as well as international cases.
3. Communications with other jurisdictions was the most frequently reported challenge to working these cases.
4. The overwhelming preference of caseworkers is to communicate by email yet almost half of the jurisdictions reported restrictions on the use of email.
5. Obtaining clear, understandable information about what other jurisdictions can or cannot do to assist with child support is seen as a challenge.
6. Despite the challenges of working these cases, the caseworkers responding to the survey were enthusiastic and positive about their work.

## Research Process Highlights

1. Collecting data on international cases is possible – particularly in the area of client demographics.
2. Whether a case is considered an international case or not is a question not just of geography but of policy as well. Some of the most significant differences between jurisdictions relate to whether or not cases are included where the parents live in jurisdictions that do not have formal legal arrangements with each other. Clearly agreed upon definitions need to be established at the outset.
3. Because international caseloads form such a small component of the caseload in many countries, the IT infrastructure necessary to produce the data required for comparative analysis on international cases is simply not available in some jurisdictions. This restricts the data available for research in a number of jurisdictions.

## PART ONE – METHODOLOGY

Nine jurisdictions<sup>5</sup> were invited to participate in the research project. The jurisdictions involved included those with only a few international cases to jurisdictions with many thousands of cases. As one of the initial questions we had was whether it is even possible to compare international cases, we wanted to involve both large and small jurisdictions, as well as jurisdictions that manage cases very differently, in order to get an idea of the types of variables between jurisdictions that might affect the availability and comparability of data.

We developed a rudimentary data instrument<sup>6</sup> to collect the data from these jurisdictions and then developed an online survey for caseworkers to complete. We had a number of conversations throughout the project with participants in the various jurisdictions and we shared our preliminary findings with them.

### Data Collected

We asked the participating jurisdictions to provide data, in most instances, for the years 2009, 2010 and 2011. Each jurisdiction was free to use a calendar year or government fiscal year, according to the organization of the data in their jurisdiction. Where the data concerned clients, we also asked the data be divided into two types – cases where the debtor lived in the reporting jurisdiction and the other parent and children lived abroad, and cases where the debtor lived abroad and the other parent and children lived in the reporting jurisdiction.

#### A. International Caseload Profile

We collected data concerning the size and composition of the international caseload in each jurisdiction. The data collected for each jurisdiction included:

- Number of international cases;
- International cases as a percentage of the overall caseload;
- Identification of the countries involved in international caseload;
- The average length of time the international cases had been enrolled;
- Breakdown of caseload by type of family support (child support, spousal support, or support for both child and spouse).

#### B. Client Profile

We collected data concerning the clients and families involved in international cases. This included:

- Age of maintenance creditor;
- Age of maintenance debtor;
- Number of children involved in the case;
- Ages of the children.

#### C. Maintenance Payment Information

The objective of all maintenance programs is the transfer of payments between parents or guardians, so the collection of data concerning payments was included. This included:

- Quantum of amount of maintenance due on individual maintenance cases;
- Payment profile – is the case paid in full, have there been partial payments, or is the case one where no payments have ever been received;
- Percentage of cases receiving a payment.

#### D. Enforcement Information

While each jurisdiction has different legislation concerning the measures available for enforcing maintenance orders, we looked at the measures most commonly used to collect unpaid maintenance. This is an area where jurisdictions deal with cases very differently. We used the list of available enforcement mechanisms set out in the Convention as a guide, and asked participating jurisdictions to indicate which of the enforcement mechanisms were used on international cases.

#### E. Caseworker and Case Management Information

We used an online survey instrument to collect the information from caseworkers in the different jurisdictions<sup>7</sup>. We asked the caseworkers about their caseloads, their experience in managing international cases, and for their impressions of the challenges and rewards of managing international cases. We asked the caseworkers to identify the biggest barriers to managing international cases effectively and for some suggestions for improving the management of international cases.

#### Defining Key Terms

Defining the meaning of particular terms in an international context was one of the most challenging tasks we faced. We wanted to avoid getting swamped in the minutiae of precise legal or program definitions, yet in order for the data to be comparable, we wanted, to the extent possible, to collect and analyze data that was somewhat similar. Indeed, not surprisingly, our conclusions contain some important findings with respect to the comparability of data, arising from the challenges in defining terms. However, despite this focus on obtaining comparable data, we also deliberately chose to define certain elements very broadly, in order to gain a better understanding of the different ways that different jurisdictions manage their cases.

The following terms or criteria were central to the data we collected:

##### *Maintenance Case*

A maintenance case in this research included both cases where no support decision had been made (cases for establishment of support), as well as cases where a maintenance decision was being enforced or there was a case open for modification of an existing decision.

##### *International Case*

We used a broad definition. The case simply had to have a parent or parent and child living in a country other than the reporting country. As noted below, this led to some interesting differences in the extent of cases included in the research.

##### *Maintenance Debtor/Maintenance Payor*

We used this term to mean the person obligated to pay the maintenance, or the person against whom an application to pay maintenance is being brought.

##### *Maintenance Creditor/Maintenance Recipient*

We used this term to describe the person entitled to receive the family maintenance or support. It could be a parent or a child.

##### *Debtor in Reporting Jurisdiction*

These are the cases where the person required to pay maintenance, or against whom maintenance is sought, lives in the jurisdiction that was providing the data, and the other parent and child (if applicable) live in another country.

*Debtor in Another Jurisdiction*

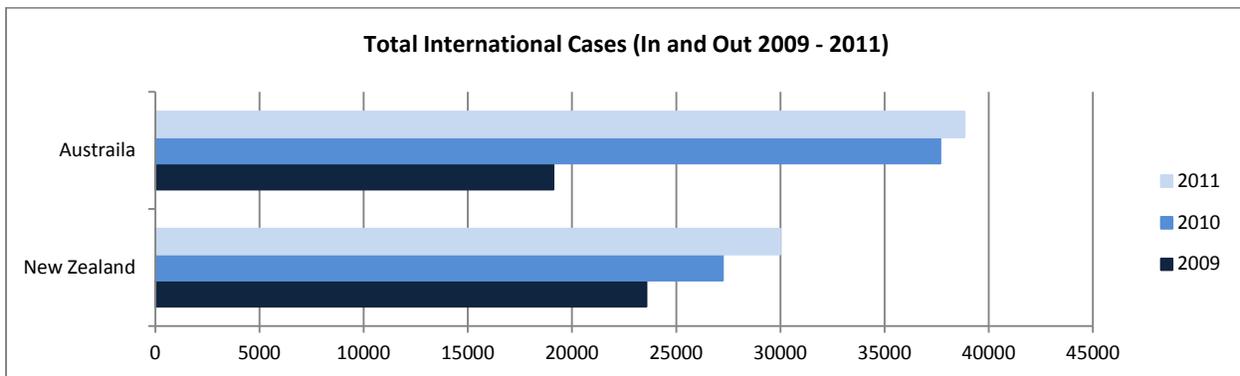
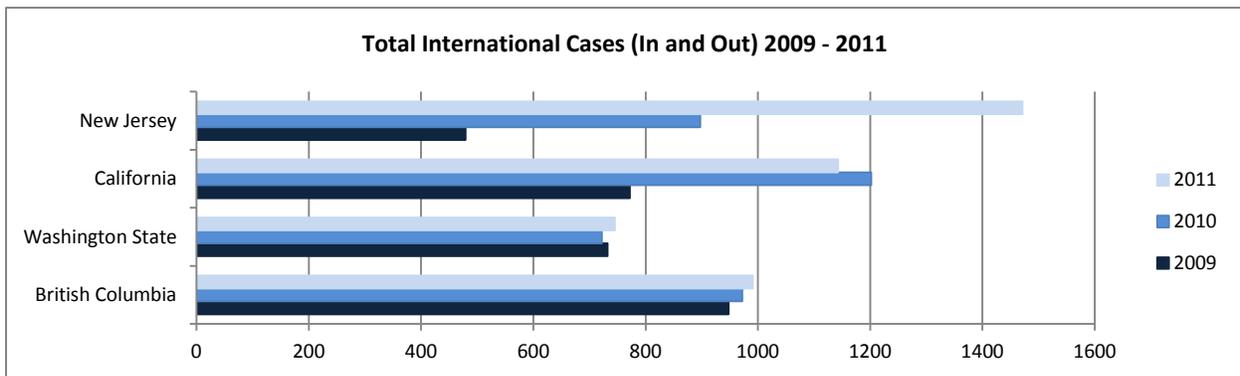
These are cases where one parent and the child (if applicable) live in the reporting jurisdiction, and the person required to pay maintenance, or against whom an application to pay is being made, lives in another country.

## PART TWO – INTERNATIONAL CASELOAD FINDINGS

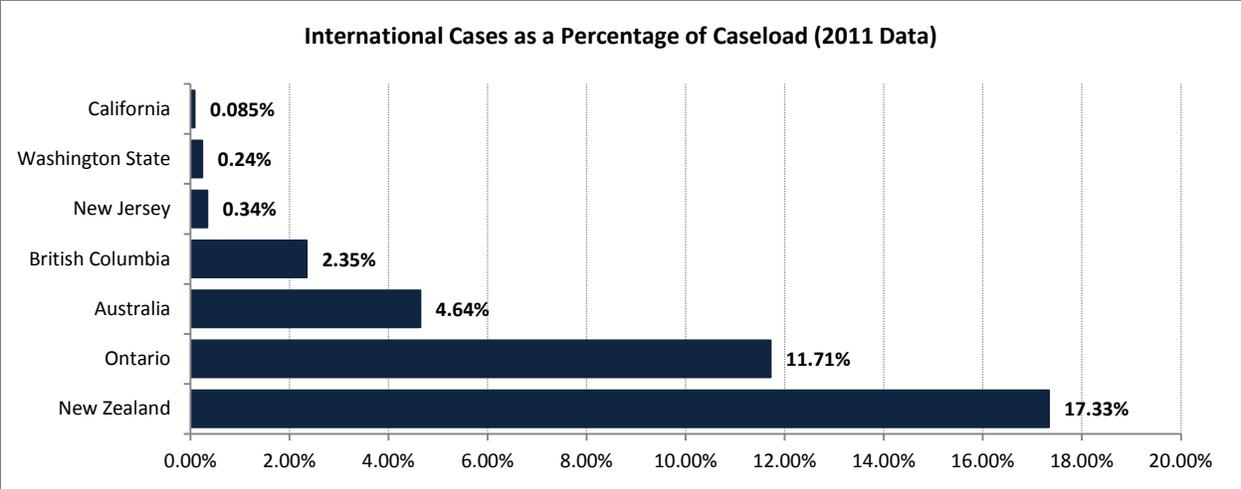
### 1. Caseload Characteristics

#### Size of International Caseload

The number of international cases in the participating jurisdictions in 2011 ranged from 38,844 in Australia to 745 in Washington State. The total case count for all participating jurisdictions in 2011 was 59743 cases. As the graphs below show, the caseload fluctuated over the three years in some of the reporting jurisdictions.

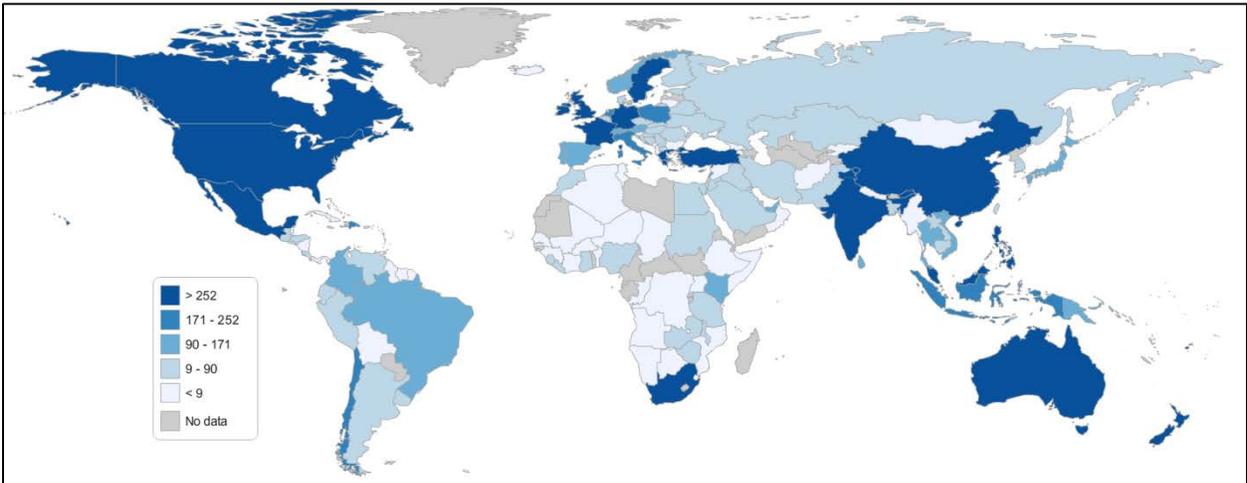


As a percentage of the overall caseload however, the number of international cases is very small. With two exceptions, international cases make up less than five percent of the caseload. The exceptions are the province of Ontario and New Zealand. New Zealand's international caseload is significant in comparison to the domestic caseload and reflects the mobility of New Zealand citizens between Australia and New Zealand.



**Location of International Cases**

We asked the participating jurisdictions to identify the countries that were covered by their international caseload. The map below shows the global distribution of all the cases. Participants identified cases with 172 countries, which represent almost 90% of nations in the world.



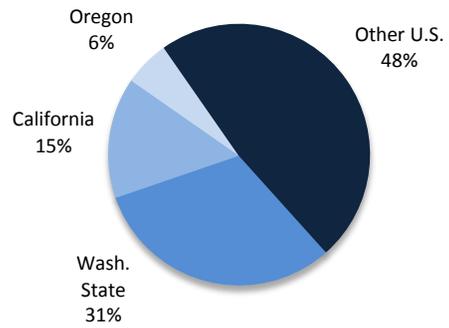
Interestingly, the geographic location of international cases also showed a very distinct pattern, with each jurisdiction generally having the largest proportion of its international cases with the closest geographic international jurisdiction. Therefore, Australia and New Zealand are each other’s largest partners, and British Columbia and the State of Washington are each other’s largest partners. The charts below illustrate this pattern.

Further research is required on the reasons for this, but it appears that this proximity may relate to the importance to the parents of maintaining a connection with the children.

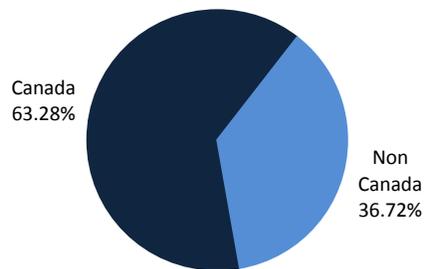
**British Columbia Reciprocal Cases (2011)**



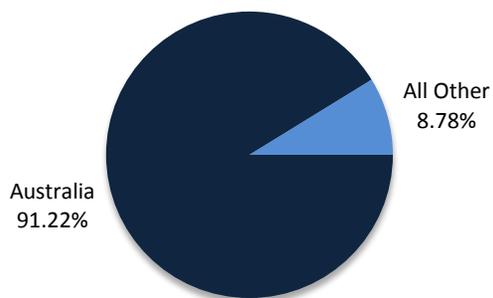
**British Columbia Reciprocal Cases U.S. Partners (2011)**



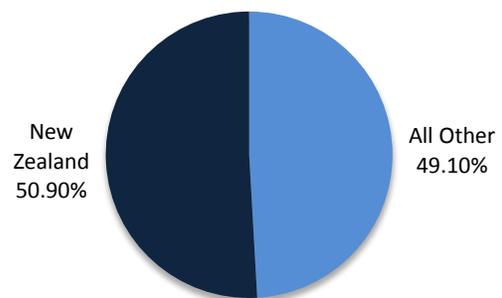
**Washington State International Cases (2011)**



**New Zealand International Cases (2011)**



**Australia International Cases (2011)**



## Types of International Cases

Although the focus in the international community is often on child support only, rather than on other forms of support or maintenance, and because many programs do enforce spousal support only cases, we wanted to determine the extent to which the international caseload includes spousal support only cases. Under the Convention, full services are provided to applicants who have or are seeking maintenance decisions for child support or both child and spousal support, but assistance is more limited for spousal support only decisions.

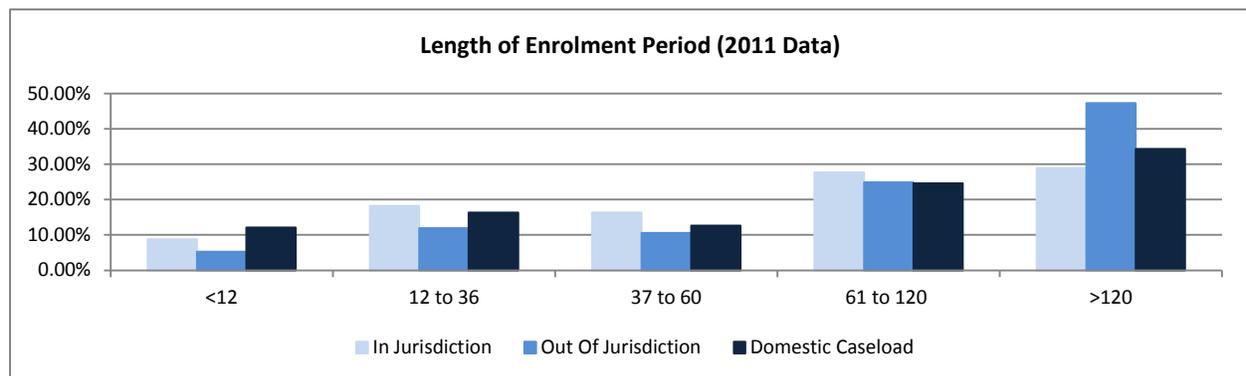
We found that there were very few spousal support only cases in the international caseloads of those jurisdictions currently assisting with the obtaining or enforcing of spousal support only cases. In no jurisdiction were there more than 100 cases of this type. This is an interesting finding, as one of the decisions that will have to be made by jurisdictions in the lead up to the implementation of the Hague Convention is how to manage spousal support cases.

Number of Spousal Support Cases (2011 Data)			
Debtor out of Jurisdiction		Debtor in Jurisdiction	
British Columbia	1	British Columbia	13
Washington State	0	Washington State	1
California	1	California	4
New Jersey	10	New Jersey	6
New Zealand	60	New Zealand	16
Australia	39	Australia	30

## Longevity of International Cases

We wanted to get an idea as to how long international cases remain on a caseload. The longevity of a case is influenced by the ages of the children (the case will remain open until the children are no longer eligible for maintenance), the mobility of the parents (whether they move to another jurisdiction) and by the time it takes to collect any outstanding arrears.

We found that almost three quarters of the cases on the caseload had been open for over five years. Almost 50 percent of the cases where a debtor (paying parent) lives outside the jurisdiction have been open for more than ten years. The international caseload is quite similar to the domestic caseload in terms of longevity, other than with respect to these “debtor-out” cases.



## Data Limitations

The collection of this data highlighted an interesting difference between jurisdictions in terms of the way that different programs treat and count cases where one parent lives in a different country. In some jurisdictions, a case is considered an international one if one of the parents has an address in a different country. In other countries, international cases are synonymous with reciprocal cases, and the cases in that category only include cases where a parent lives in a jurisdiction that has a reciprocal or legal agreement with the first country. Cases where a parent lives in another country, but there is no official reciprocal agreement with that country, are not considered international cases and are included in the domestic case count.

In this study, the data from British Columbia is an example of the latter approach. Only cases where a parent resides in a reciprocating jurisdiction were included by British Columbia in this research. Cases where a parent lives in a non-reciprocating jurisdiction (i.e., one that does not have a reciprocal arrangement with British Columbia) were not included. In contrast, Australia included all cases where one parent lives outside Australia in this study.

Similarly, the global reach of some child support programs reflects the extent to which the program or jurisdiction has been able to conclude reciprocity or other agreements with different countries. New Jersey, for example, has reciprocity agreements with 24 countries (including all provinces or territories in Canada), while British Columbia only has reciprocity agreements with 18 jurisdictions.

The other factor that influences the caseload size is the extent to which the maintenance or child support programs are broad or narrow in their applicability to maintenance issues. Programs that provide services across the maintenance life cycle from establishment of maintenance decisions, through enforcement and modification, necessarily have more international cases than those that provide services for the enforcement of existing maintenance decisions only. Child support programs in the United States provide a full spectrum of services, as do those in Australia and New Zealand, while Canadian programs offer enforcement assistance only.

## Australia and New Zealand – A Special Relationship

The data collected in this research study reflects the unique nature of the relationship between Australia and New Zealand in managing child support for families in those two countries. In terms of number of cases alone, the combined total of cases from the two jurisdictions made up over 90 percent of the cases in this study. Because of the high volume of international cases<sup>8</sup> between the two jurisdictions, the child support programs have well developed practices for transmitting cases, transferring funds, and managing communications.

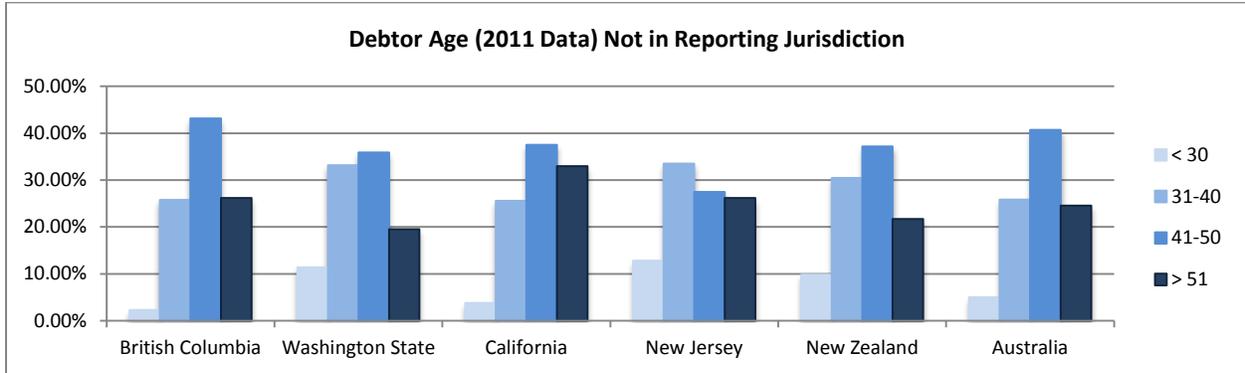
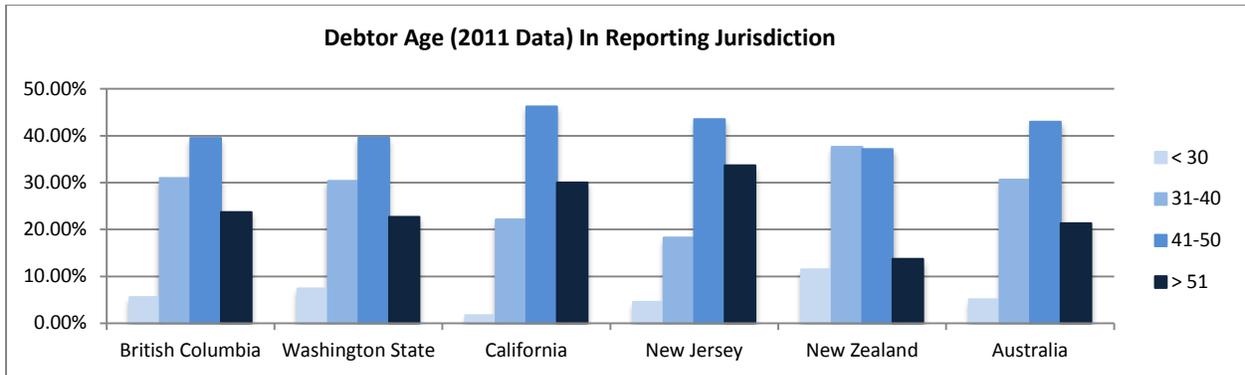
Another factor influencing the size of the international caseload in Australia and New Zealand is the structure of their child support programs. Both countries operate a single national child support program. In contrast, in Canada, the United States, and Germany, programs operate at a local level, leading to significant differences in the size of the programs within the country as well as variations between the programs within the country.

## 2. Clients and Children

To get a picture of the families on the international caseload, we looked at the ages of the maintenance paying parent (debtor) and the maintenance receiving parent (creditor) as well as the number and ages of the children. We also did some comparisons between cases where the debtor was in the reporting jurisdiction and those where the debtor was out of the reporting jurisdiction.

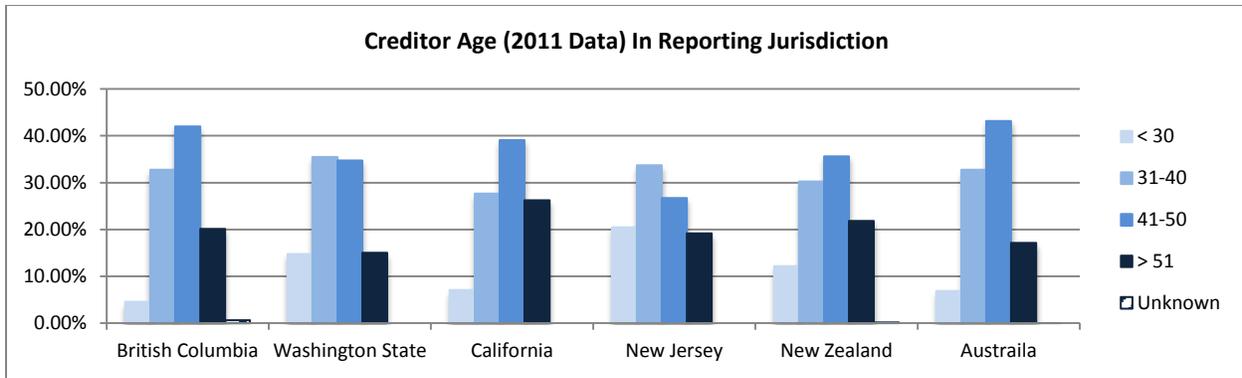
### *Debtor (Non-Custodial Parent) Profile*

The majority of debtors on international cases are between 30 and 50 years of age. There is a slight difference between cases where the debtor is in the reporting jurisdiction and those where he or she is not. Debtors in the reporting jurisdiction tend to be somewhat younger.

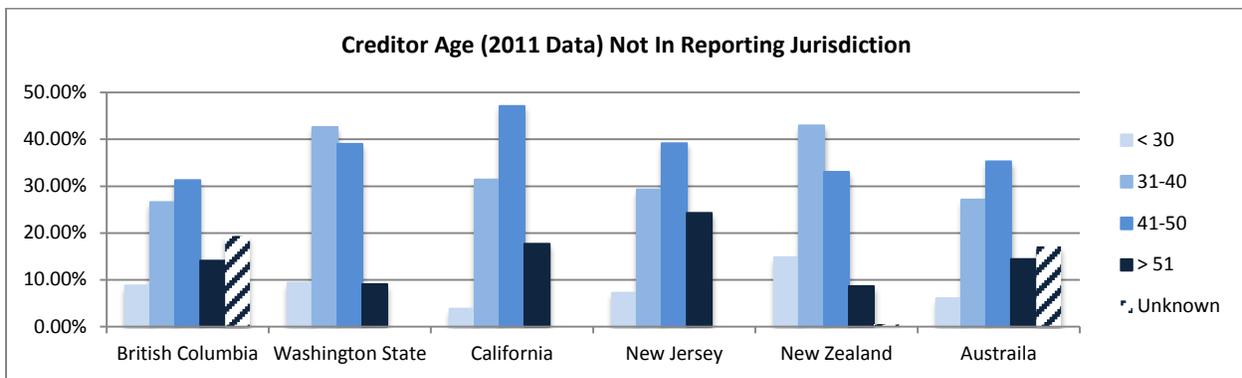


### *Creditor (Custodial Parent) Profile*

In general, creditors on these cases are younger than the debtors. Of the creditors residing in another jurisdiction, 71 percent are between 30-50 years of age. On cases where the creditor resides in the reporting jurisdiction, 68 percent are in the 30–50 year age group. The majority are in the 41 – 50 year age group.



The data would appear to suggest that there is a greater discrepancy between the ages of creditors and debtors on cases where the creditor resides abroad. This is shown in the data below:

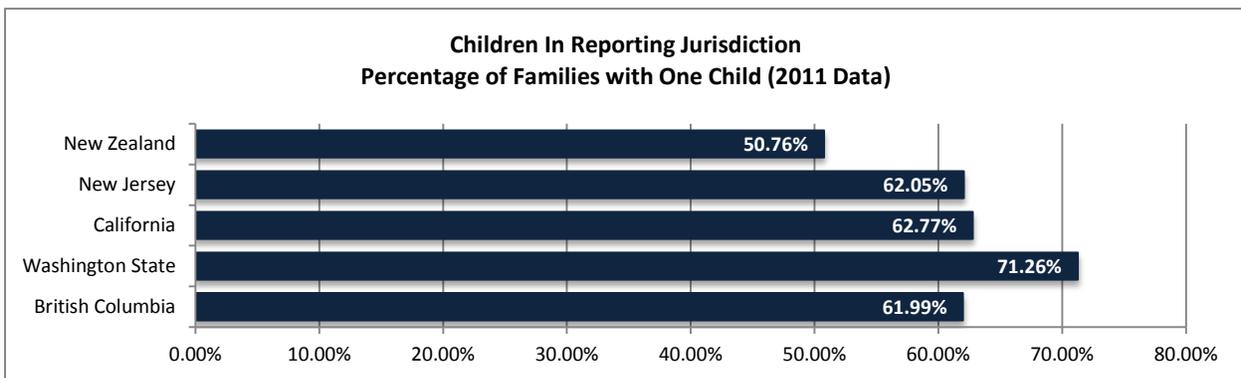
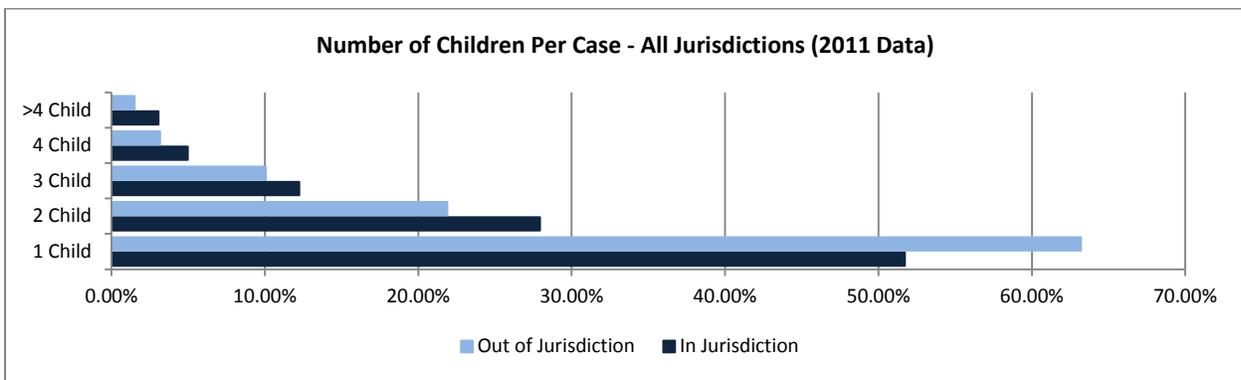
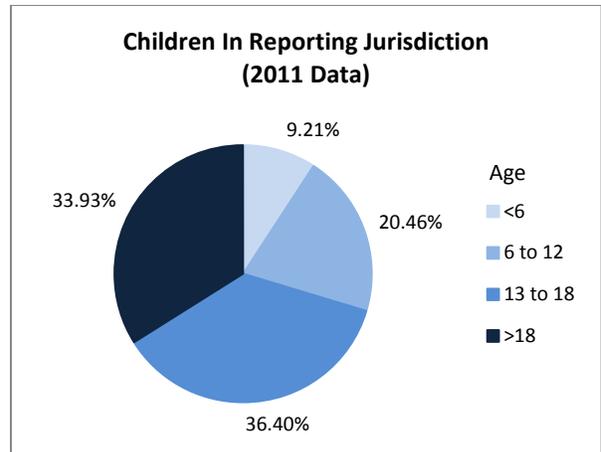
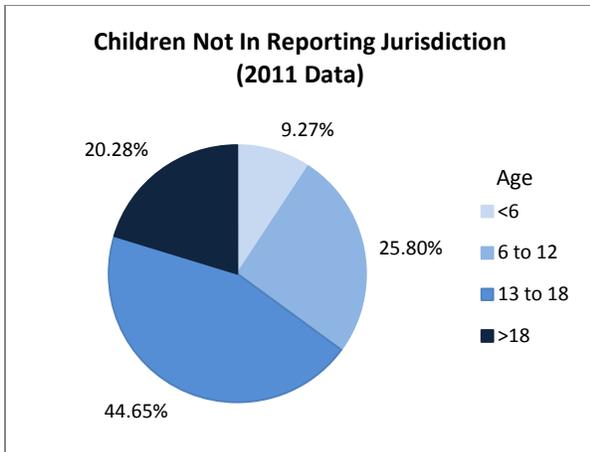


However, when we looked into this data a little more closely, we determined that there were a large number of cases on the “creditor – out” caseload where the age of the creditor is unknown. That is not surprising as few jurisdictions require the age or date of birth of an out-of-country creditor in order to process a file. Often the only information collected relates to the ages of the children.

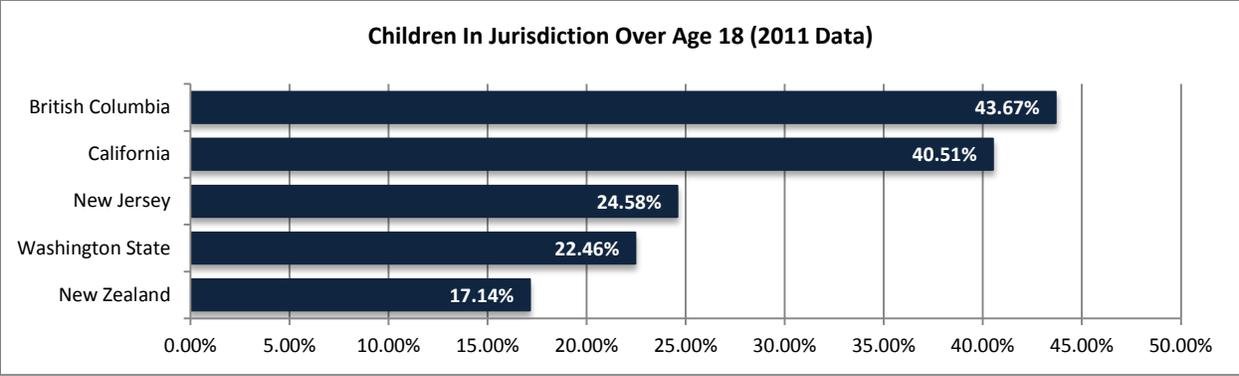
### *Children*

The families on international cases tend to be small families with an average of almost 1.6 children on cases where the child lives in another jurisdiction, and just over 1.8 children where the child lives in the reporting jurisdiction.

The age distribution of these children is interesting and at the higher end reflects differing policies concerning the collection of child support for children over the age of majority<sup>9</sup>. The age of majority also varies between jurisdictions. In all jurisdictions however, there are very few children receiving child support who are under the age of six. Most of the children that are receiving maintenance are between age six and age 18. In some jurisdictions the age distribution of the children is quite different in the domestic caseload in comparison to the international caseload. This difference is explained, to some extent, by the reality that it may take a number of years between the time a child needs child support and the time that the order is finally established or enforced in an international jurisdiction.



We expected to see a slightly older age range in those jurisdictions that included only enforcement cases, in comparison to those jurisdictions that included cases where maintenance has yet to be established, as the enforcement process takes place later in the life cycle of the case. We saw this to a limited extent, particularly with the data from British Columbia. However the larger percentage of older children also reflects British Columbia's policies concerning continued enforcement of maintenance for children over the age of majority.



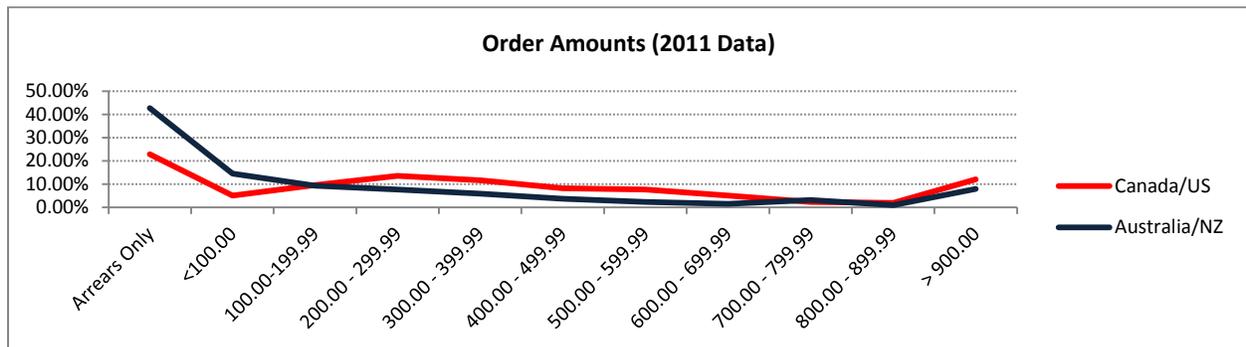
### 3. Maintenance Payment Information

One of the questions that we wanted to answer with this research study was whether there was enough commonality between maintenance programs to enable comparison of financial data. The financial aspects of maintenance can be complex, and most jurisdictions have sophisticated information systems to track the payments due and the payments received. On international cases, we also have the added challenge of different currencies and differences in the purchasing power of a given amount of maintenance in each country. An order for \$200 US (or the equivalent amount in the local currency) may cover a greater proportion of a child's expenses in one country than another.

#### Maintenance Due

Two factors emerged from the data we collected. There was a significant portion of cases reported as arrears only (cases where there is no ongoing amount for maintenance due under the order). In British Columbia and the United States over 24 percent of their cases were classified as arrears only. Australia and New Zealand reported over 40 percent of their cases were arrears only. This is interesting and will require further analysis as is difficult to reconcile with the data that shows that most cases involve families with children under age 19, and those children should be entitled to ongoing support. Further research into this data would be useful.

The distribution of due amount (the amount that the debtor is required to pay each month) was spread over the full spectrum, with no significant clustering of amount. However, there was a small tail at the end of the graph which showed a significant number of cases where the due amount was in excess of \$900. As the quantum on maintenance due is generally related to the ability of the debtor to pay maintenance, this may indicate a group of debtors that have a higher income or capacity to pay. Again, further research into this finding would be useful.



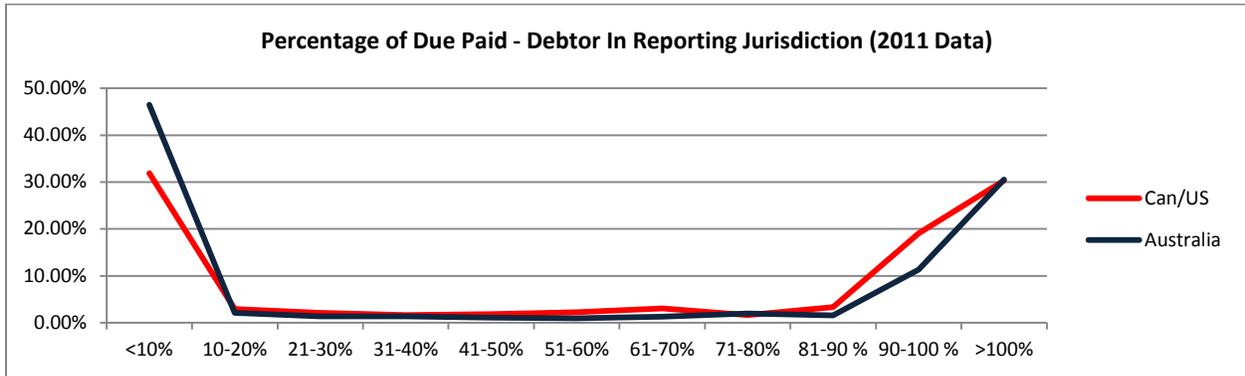
\*\*unconverted dollars

We also created a few fairly simple measures to look at the payment of maintenance on these cases. We chose to look at payment patterns (whether cases are being paid in full, paid only partially, or not paid at all), what percentage of cases received a payment, and the average payment size of an order.

#### Payment Patterns

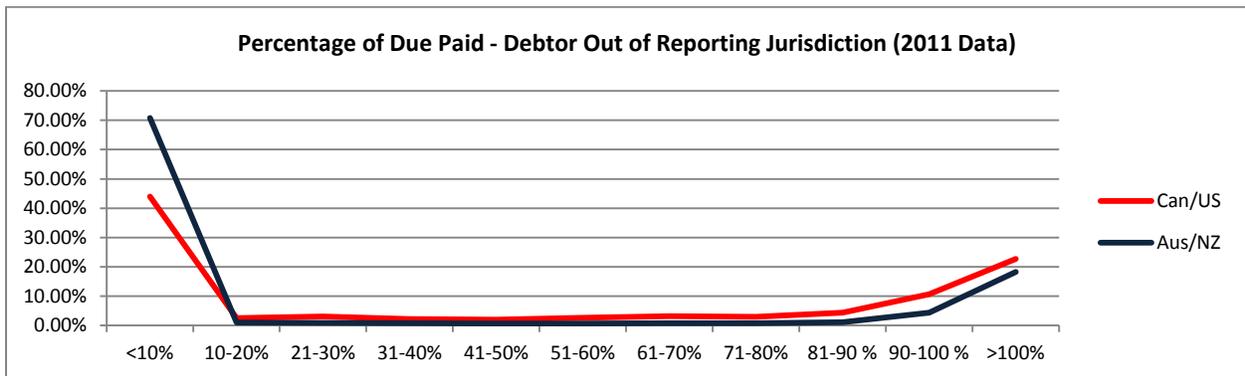
We asked the jurisdictions to categorize their cases by the amount of the maintenance due that was being paid each month.

On cases where the debtor was in the reporting jurisdiction, the pattern of payment fell into what can be described as a “bathtub curve”. Looking at the data from 2011, we found that 45.24 percent of the cases each month received 10 percent or less of the due amount. In contrast, 42.50 percent of the cases were ones where 90 percent or more of the due was paid. Thus, on these cases, the payors or non-custodial parents either pay close to the full amount due, or they pay very little at all.



\*\*note NZ was unable to separate out their domestic caseload for this calculation

A different pattern emerges on the cases where the debtor resides outside the reporting jurisdiction. On those cases (based on 2011 data), a much larger percentage (69.58) paid very little (10 percent of the due amount or less), and significantly fewer cases were paid in full (22.93 percent).



\*\*note NZ is included in this comparison

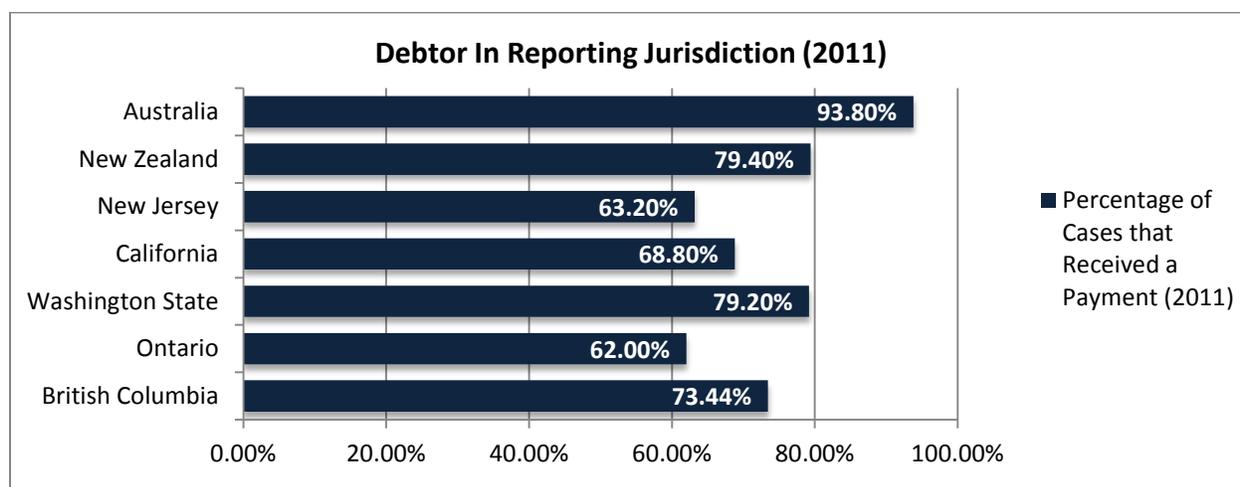
The pattern of payment on the cases where the debtor is in the responding jurisdiction is quite similar to the pattern of payment on domestic cases for the same jurisdictions. This is not surprising, given the fact that most international cases are treated, for enforcement purposes, in the same way as domestic cases.

The payment pattern on cases where the payor resides out of the jurisdiction most likely reflects the policy in all of the reporting jurisdictions of maintaining cases with an international element (i.e., cases where one parent is out of the country) in the domestic caseload for as long as the maintenance is being paid. This policy makes sense for the family, as it minimizes the disruption in payments caused by the flow of payments through another country, and it avoids the extra work associated with managing international cases. It does, however, reduce the payment rates of the “international” cases as a group. This difference is particularly evident in the data from jurisdictions such as British Columbia where the only cases included are those cases where the child support agency in another jurisdiction is engaged.

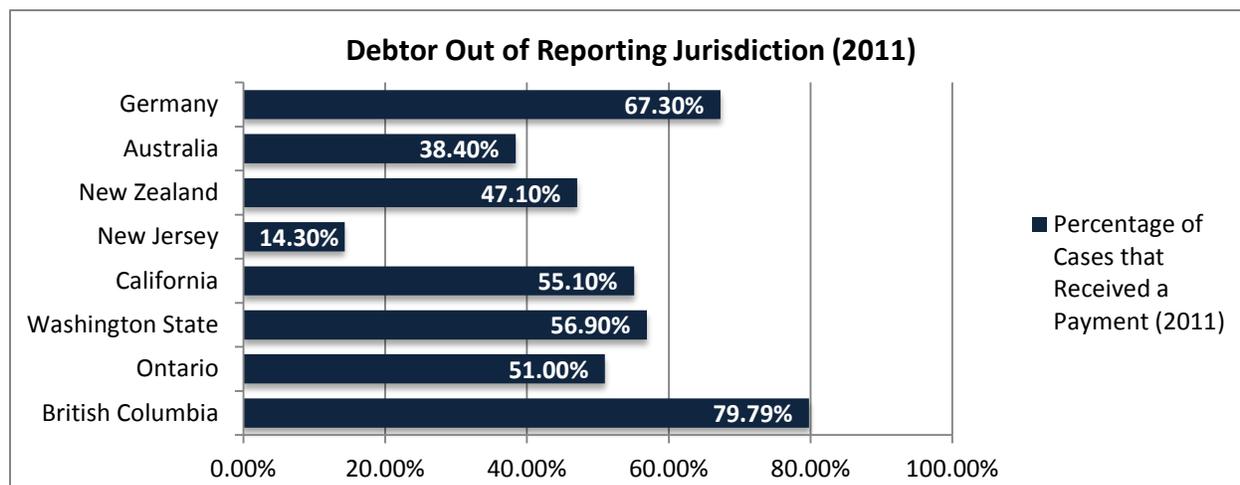
### Percentage of Cases Receiving a Payment

We decided to collect data on the percentage of cases receiving a payment, as the number is an interesting reflection on the “breadth” of the child support effort. A high percentage of cases receiving a payment generally indicated that all cases are receiving attention, not just the cases that may be easier to collect. From a social policy perspective, this type of measure also says that monies are reaching the majority of clients – many of whom tend to be those of limited financial means and the most in need.

The data collected on this measure showed a significant amount of similarity across jurisdictions. The percentage of cases receiving a payment where the reporting jurisdiction is responsible for the enforcement (debtor in responding jurisdiction) ranged from 62 percent to 93 percent; however, most jurisdictions were clustered in the low to mid-seventy percent range.



The percentage of cases receiving a payment where the debtor is outside the jurisdiction is generally lower, as the graph below illustrates.



The decision to retain cases where the maintenance is being paid, rather than transferring the cases to another jurisdiction, accounts for some of the difference between the debtor in and debtor out results. However, the comparability of this data is also limited by the fact that in some jurisdictions, cases where no maintenance decision had been established are included in the overall universe of international cases. For these cases, not surprisingly, no payments have ever been received, so the overall average is depressed by the inclusion of these cases.

### Case Arrears

The third measure that we collected related to outstanding arrears of maintenance. We wanted to determine what proportion of international cases has arrears of maintenance, and whether there were any interesting differences in the arrears profile of cases in different jurisdictions.

On cases where the debtor lived in the reporting jurisdiction, we found that Australia and New Zealand had very comparable numbers, perhaps not surprisingly, given the nature of the reciprocal arrangements between the two countries. California, Washington State and British Columbia had similar profiles, with the majority of the cases having received some payment over the life of the case, but still having outstanding arrears.

Payment Rates - Debtor In Jurisdiction (2011 Data)			
Jurisdiction	Never Paid	Partially Paid/Some Arrears	No Arrears
British Columbia	11.3%	74.2%	14.5%
Washington State	12.7%	63.6%	23.8%
California	19.9%	67.8%	12.3%
New Jersey	36.8%	30.4%	32.8%
New Zealand	2.8%	82.9%	14.4%
Australia	3.6%	82.1%	14.3%

### Enforcement Measures

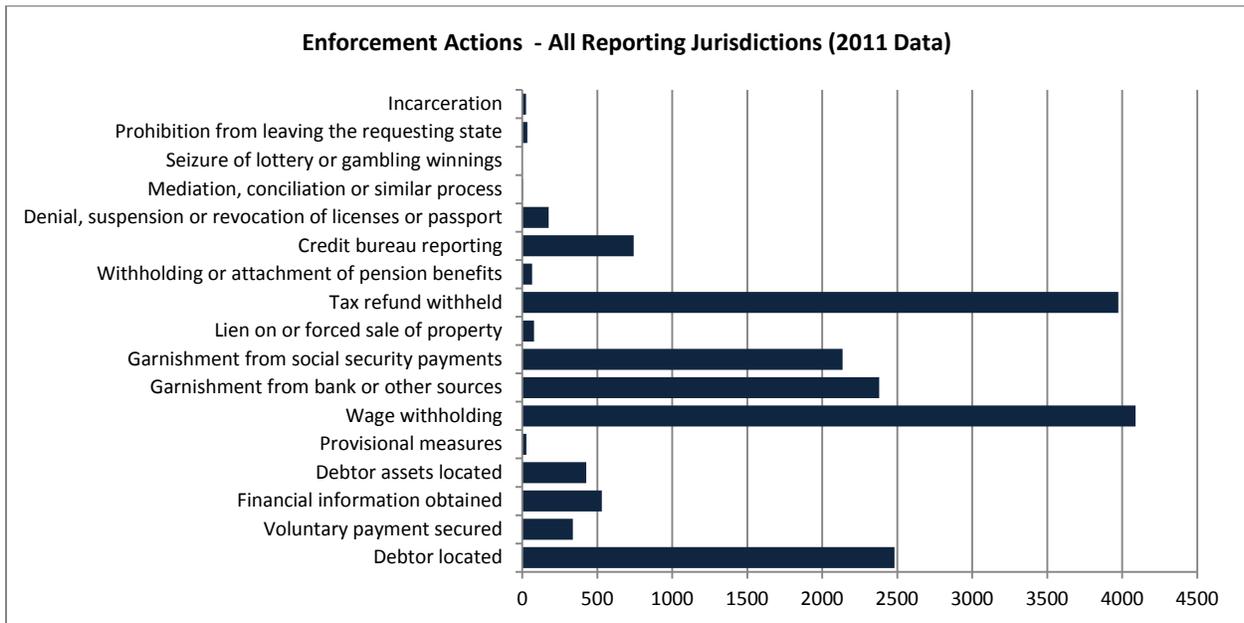
One of the most frequently asked questions in the maintenance enforcement context relates to the steps taken by the enforcing jurisdiction to collect outstanding payments. Therefore we asked the reporting jurisdictions to provide information about the measures used to enforce maintenance decisions. We used the measures set out in the Convention as a guide, because those measures are most commonly used and understood in managing maintenance cases.

It is important to note that all of the jurisdictions participating in this research use the same tools or measures to enforce international decisions as they do to enforce domestic maintenance decisions. So the responses are reflective of the most commonly used enforcement measures in that jurisdiction generally.

In the survey, a number of jurisdictions responded that the measures that they take to enforce support do not fall within the categories provided. We found this to be surprising and it perhaps points to an area of further investigation or training as we move towards the Hague Convention, to ensure that the descriptions being used in the interactions between jurisdictions are flexible enough to allow for a full explanation of the work being done on a case. It may well be that the listed enforcement measures are being used in some fashion, but were not identified as coming within the particular category.

The data supplied indicated, not surprisingly, that for all jurisdictions, taking steps to locate a debtor and sources of assets and income, along with enforcement against wages, are the most frequent measures taken. Almost all jurisdictions take steps to intercept government benefits or payments, such as income tax refunds or social security type benefits. Generally, we were not surprised to find that in terms of enforcement, international cases are very similar to domestic cases.

The data collected was subject to some important limitations however. With respect to a number of measures, reporting jurisdictions indicated that their case management systems did not separate out the particular measures in any measurable way. So, for example, none of the reporting jurisdictions were able to report out on attachment of pensions or other benefits, although this measure is utilized frequently in most of the reporting jurisdictions. Similarly, many jurisdictions do not formally count voluntary payment arrangements reached with a debtor, although these may be very common.



\*\* Sum of all data provided

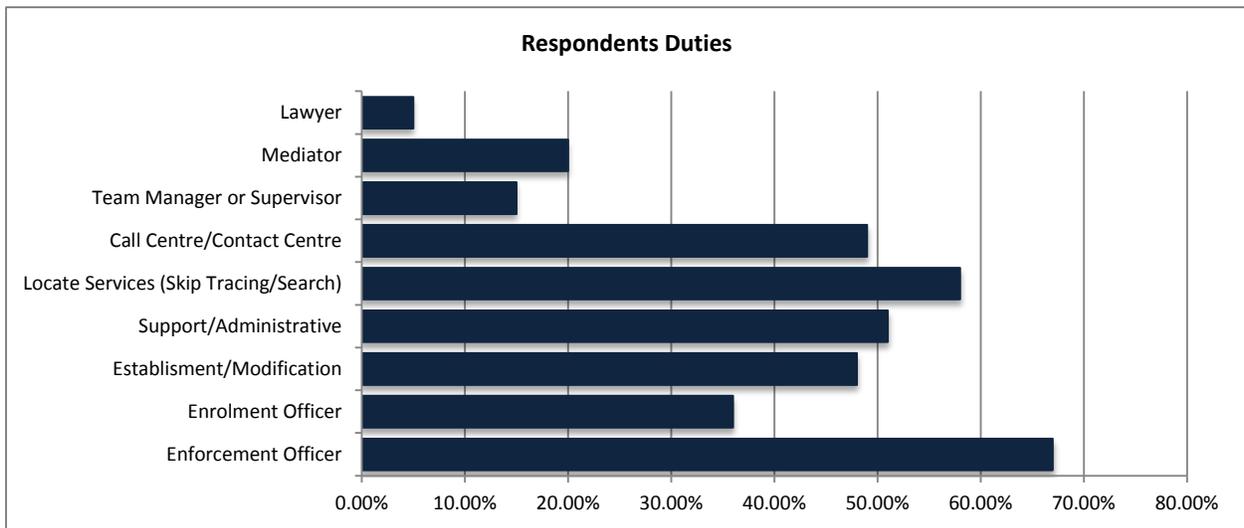
## PART THREE - INTERNATIONAL CASEWORKER SURVEY

### Introduction

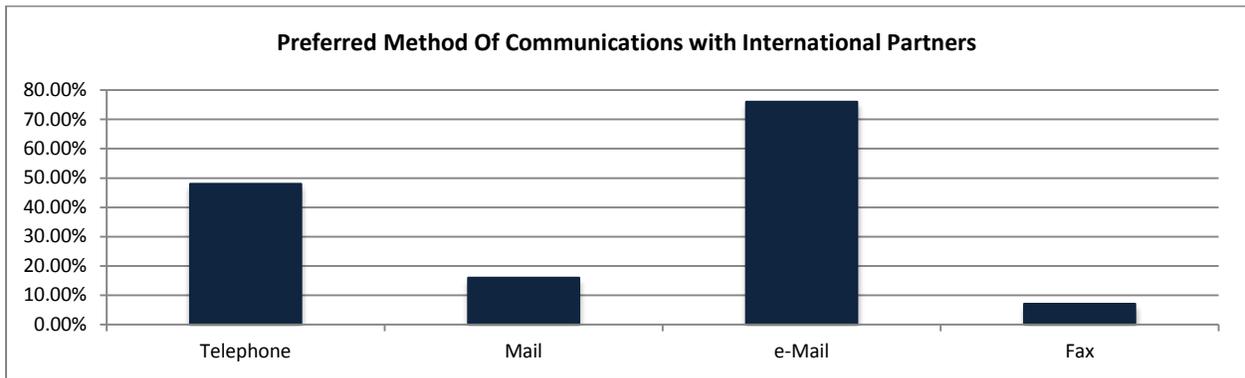
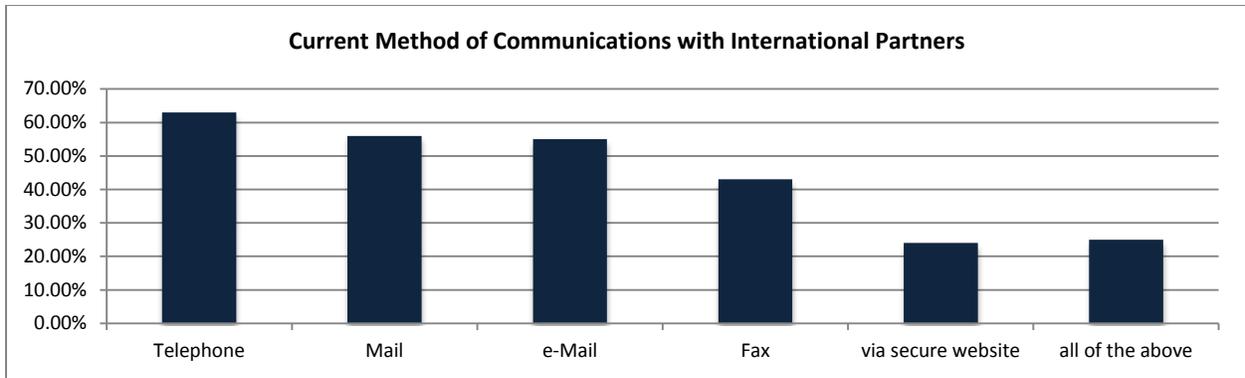
The caseworker survey was available for completion from November 19, 2012 through December 5, 2012. We received 103 responses to the on-line version. The Australian participants were unable to complete the survey online and submitted 13 manually completed surveys. The analysis is based on the total of 116 responses.

To put some of the answers in context, we asked the respondents about their backgrounds and their caseloads. Most of the respondents had been working in child support for between 5 and 12 years, with a median of 7 years. Of that time, most of it was spent working international cases, although not exclusively. While approximately one third of the caseworkers have dedicated international caseloads, the majority of respondents have caseloads where less than one quarter of their time was spent on international cases. This has some interesting implications for staff training on international cases and the new Convention, as the training will have to be accessible and meaningful for workers who spend only a minority of their time on international cases.

The organization of the work involved in international child support varies significantly. The overlap in responsibility for key tasks is shown in the responses to questions about the duties carried out by respondents to the survey.



With respect to the work itself, we asked a series of questions about challenges or barriers to working the cases. The challenge most frequently reported related to communications with other jurisdictions.



48 percent of respondents indicated that their organization had restrictions on the use of email to communicate with other jurisdictions, and a portion of those also indicated that there were restrictions on making international phone calls. Secure websites for communication are noted as an option, but not generally regarded as being as effective or practical as email. Given that email is the overwhelming preference of caseworkers, this is an area that merits further discussion.

The focus on the use of email for communication reflects the challenges experienced by caseworkers relating to time zone differences and the length of time it takes to resolve issues by mail. Several respondents suggested that perhaps modified work hours might be one way of supporting direct communications. Almost all of the respondents felt that good communications with other jurisdictions had a direct positive impact on getting child support established and paid.

Another frequently mentioned challenge is the lack of good, clear information regarding processes for managing international cases in other jurisdictions. A number of respondents indicated that it is often very difficult to get information about what can be done in another jurisdiction or how the child support processes work in that country. The Country Profiles being developed for signatories to the Hague Convention will certainly be an important step forward in making this information available to caseworkers, and the responses highlight the need to ensure that process descriptions in the Country Profiles are clear and understandable to caseworkers.

Related to the need for information about processes, caseworkers also indicated that some form of international directory or listing of international contacts would be very useful in helping them locate child support workers in other jurisdictions. There were also some requests for the development of a central repository where information and required documents from other jurisdictions could be stored.

Finally, we also provided the caseworkers with an opportunity to share some messages with caseworkers in other jurisdictions who were also filling out the survey. Those messages have been collated and are being sent out to all the respondents. A few of those comments are set out below to give an idea of the types of messages and comments made by caseworkers.

- “I appreciate their level of commitment given the often difficult situations (underfunding in many instances). I also appreciate the friendly manner I usually find with speaking to other jurisdictions and their usual prompt reply to my questions and requests for additional information.
- “Thanks for the good work you do! Especially to those who take the time to go over and above to help their clients and colleagues. We do important work so remember that :)”
- “It has always been a pleasure working with caseworkers around the world!”
- “Your work is SO important to the children of the world. Keep up the EXCELLENT work!!!”
- “We all do a fantastic job for the children - keep up the good work.”

## PART FOUR - RESEARCH METHODOLOGY AND CONCLUSIONS

As noted at the outset, one of the goals of our research project was to determine whether data on international cases could be compared and to get an idea of the challenges that researchers might face in compiling numbers from different jurisdictions. While we found that there were certainly areas where the data was available and could be compared, we also found limitations. This section summarizes our conclusions and recommendations with respect to further research in this area.

### Limitations on Data

The limitations fall broadly into two areas:

#### 1. *Fundamental Differences in Structure of the Maintenance Program*

In some jurisdictions the maintenance cases in the program are not representative of the full international maintenance caseload. This was the case, for example, with the data from the German Institute for Youth Human Services and Family Law. That program manages “outgoing” cases only – that is, cases where the maintenance payor or debtor lives in another jurisdiction and the maintenance recipient or creditor and children live in Germany. This limited the availability and comparability of the data.

#### 2. *Data System / Technology Limitations*

While some jurisdictions have well developed data systems that can extract specific data on international caseloads, in other jurisdictions, very little data is available. As noted in our conclusions below, in many jurisdictions this simply reflects the reality that international cases only represent a small minority of cases in the maintenance program, so they have not received the same level of IT attention as domestic cases. Thus, some jurisdictions were not able to extract much data about their international cases because the cases could not be separated out from the domestic caseload.

Nonetheless, we found the participation of these jurisdictions very valuable as their caseworkers provided some interesting insight into the casework and we were able to get a better idea of the challenges facing the different jurisdictions in terms of understanding the international caseload.

### Recommendations for Further Research

We were pleased that, despite some of the limitations, we were still able to gather some preliminary data concerning international cases. A larger, more comprehensive research study would definitely be possible and might yield some interesting information not only about the international caseload itself, but about the impact that the international collection of child support has upon families and children. For example, 2011-2012 data from British Columbia shows that \$3,649,538.95<sup>10</sup> was collected for international families. For a small jurisdiction, with few international families in the caseload, the recoveries are important. Globally, we expect the amount of child support collected and transferred to be very significant. Further research will help us quantify the impact.

In terms of guidance for future researchers, the following recommendations may be useful:

1. There is no uniform definition of an international case. The inclusion or exclusion of certain types of cases should be driven by the focus and purpose of the research. If the purpose is to look at all international families, the definition should be broad, including those cases that are entirely

managed by one program or jurisdiction, as that approach will give a better sense of the families that are affected by child support. Conversely, if the focus of the research is on the relationships between reciprocating jurisdictions, collaboration and improving processes, the cases to be included should be those cases where two programs are involved and the defined processes are used.

2. Taking the time at the outset to understand the way that international cases are managed in different jurisdictions, before the research questions are defined, will drive better outcomes. We found that, had we known more about the delivery of the child support program in each jurisdiction, we might have been able to collect data that was more comparable and useful.
3. Understanding the delivery of the program also assists in understanding data limitations. For example, those programs that only manage enforcement of orders will rarely have information concerning the income of the paying / liable parent, as their records do not include information concerning the basis for the maintenance decision.
4. Size is important. The two national programs in our study had significant numbers of cases because the program is delivered at the national level and not at the state, provincial or other level corresponding to a sub-unit of the State. The impact of these significantly larger programs into the research projects is important; however, the sheer size can influence the numbers.
5. Understanding more about our cases in common and the barriers to working together will better prepare us to manage the changes expected as a result of the coming into force of the 2007 Hague Convention. For example, knowing that many of our caseworkers are experienced, but work on both domestic and international cases, will help us better design training to meet their needs.
6. The level of cooperation between jurisdictions in order to collect the data is excellent. There is a shared interest in looking at the numbers and significant support for more research.

## Endnotes

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<sup>1</sup> See for example “FY 2011 Preliminary Report,” Office of Child Support Enforcement, Administration for Children and Families, United States found at <http://www.acf.hhs.gov/programs/css/resource/fy2011-preliminary-report#fig7>

<sup>2</sup> The term international case is used in this research to mean a case involving a family where a parent or guardian and the children live in one country and the other parent lives in another country.

<sup>3</sup> In this paper, the term jurisdiction is used deliberately to include sub-units of a country or State. We chose to gather the data at the program level, either state, province or at the national level, depending upon the structure of the child support or maintenance program. The term country or State is used to refer to the national entity.

<sup>4</sup> The term maintenance is used in this paper and in our research to include both child and spousal support. Maintenance support is “Maintenance includes support for children, a spouse or partner, and expenses related to the care of the children or spouse / partner”

<sup>5</sup> The participating jurisdictions included: Australia: New Zealand: Germany , New Jersey: Orange County , California: Los Angeles County, California: Washington State; Ontario, Canada; British Columbia, Canada

<sup>6</sup> A copy of the data collection instrument is included as Appendix A

<sup>7</sup> A copy of the caseworker questionnaire is included in Appendix B

<sup>8</sup> As of May 2012, Australia administered approximately 11580 cases (debt \$NZ143.8m) and transferred \$NZ4.12m per month to New Zealand. New Zealand administered approximately 6457 cases (debt \$NZ45.8m) and transferred \$NZ950k per month to Australia. ( “Jurisdictions Working Together “ Presentation to 2012 NCSEA Training Conference, Denver United States. )

<sup>9</sup> In some jurisdictions, like British Colombia, child support can continue past the age of majority for as long as the child remains dependent upon the custodial parent. In other jurisdictions (New Jersey, Ontario), the maintenance will continue until the Court orders otherwise. In other jurisdictions the maintenance ends when the child reaches the age of majority.

<sup>10</sup> Canadian Dollars, British Columbia Family Maintenance Enforcement Program , 2011-2012 Annual Statistics

APPENDIX A

INTERNATIONAL MAINTENANCE CASES  
RESEARCH QUESTIONNAIRE  
SEPTEMBER 2012

## Total International Cases

### Debtor in **your** jurisdiction

**Instructions:**

- \* Include all cases where the debtor resides in **your jurisdiction** and the creditor (or children) live in another jurisdiction
- \* Count cases at the end of the year (either fiscal or calendar)
- \* Separate cases by type of maintenance payable
- \* If your system cannot separate by type of maintenance payable, please put the total number in the final column

**2009**

Type of Support	Child	Spousal	Child & Spousal	Total
# of cases				

**2010**

Type of Support	Child	Spousal	Child & Spousal	Total
# of cases				

**2011**

Type of Support	Child	Spousal	Child & Spousal	Total
# of cases				

### Debtor in **International** jurisdiction

**Instructions:**

- \* Include all cases where the creditor (or children) resides in **your jurisdiction** and the debtor lives in another jurisdiction
- \* Count cases at the end of the year (either fiscal or calendar)
- \* Separate cases by type of maintenance payable
- \* If your system cannot separate by type of maintenance payable, please put the total number in the final column

**2009**

Type of Support	Child	Spousal	Child & Spousal	Total
# of cases				

**2010**

Type of Support	Child	Spousal	Child & Spousal	Total
# of cases				

**2011**

Type of Support	Child	Spousal	Child & Spousal	Total
# of cases				

The term "Debtor" is used to identify the Non-Custodial Parent (NCP) or payor

## Total International Cases By Country

Total number of international cases broken down by country, by year and, if available, how many enforcement, establishments, modification requests

**Instructions:**

- \* Count all cases where **either** the debtor or the creditor lives outside your country
- \* Count cases at the end of the year (either fiscal or calendar)
- \* In column 1 indicate the country where the other party resides (either debtor or creditor)
- \* Separate the cases by type of action that is **currently** being undertaken for the other country - or for which you have requested assistance
- \* **Establishment:** include all cases where your jurisdiction has been asked to establish an order or decision for maintenance, including requests to establish paternity or where your jurisdiction has made the same request of another jurisdiction
- \* **Modification:** include cases where your jurisdiction has received a request to modify an order or where your jurisdiction has sent a request for a modification to another jurisdiction
- \* **Enforcement:** include all cases where your jurisdiction has either requested another jurisdiction enforce on your behalf, or where your jurisdiction is enforcing a decision on behalf of another jurisdiction

**2009**

Country	Establishment	Modification	Enforcement	Total

**2010**

Country	Establishment	Modification	Enforcement	Total

**2011**

Country	Establishment	Modification	Enforcement	Total

## Age of Debtor

### Debtor in **your** jurisdiction

**Instructions:**

\* include all cases where the debtor resides in your jurisdiction and creditor resides in another country

\* separate by age of debtor on reporting date of last day of year (fiscal or calendar)

<b>2009</b>						
Age (years)	<20	21-30	31-40	40-50	50-60	>70
# of debtors						
<b>2010</b>						
Age (years)	<20	21-30	31-40	40-50	50-60	>70
# of debtors						
<b>2011</b>						
Age (years)	<20	21-30	31-40	40-50	50-60	>70
# of debtors						

### Debtor in **International** jurisdiction

**Instructions:**

\* include all cases where the debtor resides in another jurisdiction and creditor resides in your jurisdiction

\* separate by age of debtor on reporting date of last day of year (fiscal or calendar)

<b>2009</b>						
Age (years)	<20	21-30	31-40	40-50	50-60	>70
# of debtors						
<b>2010</b>						
Age (years)	<20	21-30	31-40	40-50	50-60	>70
# of debtors						
<b>2011</b>						
Age (years)	<20	21-30	31-40	40-50	50-60	>70
# of debtors						

## Income Source for Debtor

Debtor in **your** jurisdiction

**Instructions:**

\* include **ONLY** cases where the debtor resides in your jurisdiction and creditor resides in another country

\* include all cases (establishment, modification and enforcement)

**2009**

Source	Employed	Pension (Retirement)	Income Assistance, Welfare, Social Assistance	Unknown
# of debtors				

**2010**

Source	Employed	Pension (Retirement)	Income Assistance, Welfare, Social Assistance	Unknown
# of debtors				

**2011**

Source	Employed	Pension (Retirement)	Income Assistance, Welfare, Social Assistance	Unknown
# of debtors				



## Age of children

### Children in your jurisdiction

**Instructions:**

\* include all cases where the children reside in your jurisdiction and debtor resides in another country

\* separate by age of children on reporting date of last day of year (fiscal or calendar)

**2009**

Age (years)	<6	6 to 12	13 to 18	>18
# of children				

**2010**

Age (years)	<6	6 to 12	13 to 18	>18
# of children				

**2011**

Age (years)	<6	6 to 12	13 to 18	>18
# of children				

### Children in International jurisdiction

**Instructions:**

\* include all cases where the children reside in another jurisdiction and debtor resides in your jurisdiction

\* separate by age of children on reporting date of last day of year (fiscal or calendar)

**2009**

Age (years)	<6	6 to 12	13 to 18	>18
# of children				

**2010**

Age (years)	<6	6 to 12	13 to 18	>18
# of children				

**2011**

Age (years)	<6	6 to 12	13 to 18	>18
# of children				



## Spousal Support

### Creditor in your jurisdiction

**Instructions:**

- \* include all cases where the creditor reside in your jurisdiction and debtor resides in another country
- \* include the number of cases where your office is collecting **spousal support only** on reporting date of last day of year (fiscal or calendar)

**2009**

# of Int'l Spousal Support Cases

**2010**

# of Int'l Spousal Support Cases

**2011**

# of Int'l Spousal Support Cases

### Creditor in International jurisdiction

**Instructions:**

- \* include all cases where the creditor resides another country and debtor resides in your jurisdiction
- \* include the number of cases where your office is collecting spousal support only on reporting date of last day of year (fiscal or calendar)

**2009**

# of Int'l Spousal Support Cases

**2010**

# of Int'l Spousal Support Cases

**2011**

# of Int'l Spousal Support Cases



## Arrears

### Debtor in your jurisdiction

**Instructions:**

- \* include all cases where the Debtor resides in your jurisdiction and Creditor resides in another country
- \* count total number of cases
- \* Never Paid: count number of cases where no payments have ever been received on the case since it became an international case (or date of enrollment/registration)
- \* Partially Paid/Some arrears: include cases where some payments have been received since file was opened but there are still arrears on the case
- \* Include cases where interest is owing
- \* Fully Paid/No Arrears: Include cases where all the maintenance has been paid including interest
- \* Do not include fees in arrears calculations

**2009**

	Never Paid	Partially Paid/Some Arrears	No Arrears
# of cases			

**2010**

	Never Paid	Partially Paid/Some Arrears	No Arrears
# of cases			

**2011**

	Never Paid	Partially Paid/Some Arrears	No Arrears
# of cases			

### Debtor in International jurisdiction

**Instructions:**

- \* include all cases where the Creditor resides in your jurisdiction and Debtor resides in another country
- \* count total number of cases
- \* Never Paid: count number of cases where no payments have ever been received on the case since it became an international case (or date of enrollment/registration)
- \* Partially Paid/Some arrears: include cases where some payments have been received since file was opened but there are still arrears on the case
- \* Include cases where interest is owing
- \* Fully Paid/No Arrears: Include cases where all the maintenance has been paid including interest
- \* Do not include fees in arrears calculations

**2009**

	Never Paid	Partially Paid/Some Arrears	No Arrears
# of cases			

**2010**

	Never Paid	Partially Paid/Some Arrears	No Arrears
# of cases			

**2011**

	Never Paid	Partially Paid/Some Arrears	No Arrears
# of cases			

## Cases Receiving Some Payment

### Debtor in your jurisdiction

**Instructions:**

- \* include all cases where the debtor reside in your jurisdiction and creditor resides in another country
- \* include figures for the last reporting year only (calendar year or fiscal year)
- \* include any case where a payment was made during that year
- \* Note - this is a different measure than "Arrears - Partially Paid/Some Arrears" where a case would be partially paid even if no payments were made during the current year

**2011**

% of Cases that have rec'd some payment	
---	--

### Debtor in International jurisdiction

**Instructions:**

- \* include all cases where the debtor resides in another country and creditor resides in your jurisdiction
- \* include figures for the last reporting year only (calendar year or fiscal year)
- \* include any case where a payment was made during that year
- \* Note - this is a different measure than "Arrears - Partially Paid/Some Arrears" where a case would be partially paid even if no payments were made during the current year

**2011**

% of Cases that have rec'd some payment	
---	--

## Time Frames

### Debtor in your jurisdiction

**Instructions:**

- \* include all cases where the debtor reside in your jurisdiction and the creditor/children resides in another country
- \* measure the number of months since the case was first opened
- \* include only the figures for last reporting year (either calendar or fiscal)

**2011**

# of months	<12	12 to 36	36 to 60	61 to 120	>121
# of cases					

### Debtor in International jurisdiction

**Instructions:**

- \* include all cases where the debtor reside in another country and the creditor/children reside in your jurisdiction
- \* measure the number of months since the case was first opened
- \* include only the figures for last reporting year (either calendar or fiscal)

**2011**

# of months	<12	12 to 36	36 to 60	61 to 120	>121
# of cases					

## International Caseload Description

**Instructions:**

\* International: Number of cases that had one party living in another jurisdiction (international)

\* Domestic: include all cases that were not international

**2009**

	Int'l	Other	%
# of cases			

**2010**

	Int'l	Other	%
# of cases			

**2011**

	Int'l	Other	%
# of cases			

## Actions Taken

**Instructions:**

- \* Include only those cases where the debtor resides in your jurisdiction
- \* Include total actions for the last reporting year only
- \* Include any case where this type of action was initiated at some point over the year
- \* A case may have multiple types of actions initiated over the year so the total actions will exceed total number of cases

**2009**

Type of Action	# of Cases
Debtor Located	
Voluntary payment secured	
Financial information obtained	
Debtor assets located	
Provisional measures	
Wage withholding	
garnishment from bank or other sources	
Garnishment from social security payments	
Lien on or forced sale of property	
Tax refund withheld	
Withholding or attachment of pension benefits	
Credit bureau reporting	
Denial, suspension or revocation of licenses or passport	
Mediation, conciliation or similar process	
Seizure of lotter or gambling winnings	
Prohibition from leaving the requesting state	
Incarceration	

**Heidelberg Research Project  
Caseworker Survey**

**Your Caseload**

1. Do you work exclusively on International Cases - defined as cases where either the custodial (maintenance creditor) or non-custodial parent (debtor) resides in a country other than yours?

**YES NO**

2. If you do not work exclusively on International Cases – what percentage of your work/caseload would you say is made up of International Cases?

(a) >75%

(b) between 50 – 75%

(c) between 25 – 49%

(d) less than 24%

3. Do you have a personal caseload (ie: a group of cases which are assigned to you and that you are responsible for, almost exclusively, on a daily basis)?

**YES**

**NO**

4. If the answer to 3 was YES, how many cases are on your caseload?

**Your Team**

5. Do you work as part of a specialized or general team?

(A) member of specialized team

(B) member general team

(C) I do not work in a team

**Type of Work You Do**

6. What role do you play either as part of your team or independently? Choose as many as apply:

- Enforcement Officer
- Enrolment Officer
- Establishment/Modification
- Support / Administrative
- Locate Services (Skip Tracing/Search)
- Call Centre / Contact centre
- Team Manager or Supervisor
- Mediator
- Lawyer

7. What information is available to you to help you locate clients to establish or enforce child support orders?

**Communications**

8. How do you generally communicate with clients in your jurisdiction?

- (a) In-Person
- (b) Telephone
- (c) Mail
- (d) e-Mail
- (e) fax
- (f) via secure website
- (g) all of the above

9. How do you generally communicate with international partners?

- (a) Telephone
- (b) Mail
- (c) e-Mail
- (d) Fax
- (e) via secure website
- (e) all of the above

10. If you could choose, what would be your preferred method to communicate with international partners?

- (a) Telephone
- (b) Mail
- (c) e-Mail
- (d) Fax

11. Does your program have restrictions on the use of telephone or email to communicate with international partners?

- No
- Yes

12. Please tell us about challenges you find in dealing with international cases. This would be those things that you have found difficult, challenging, frustrating as well as time consuming in dealing with international cases.

13. Please tell us about challenges you find in dealing with international cases. This would be those things that you have found difficult, challenging, frustrating as well as time consuming in dealing with international cases.

14. In working with international cases are there any tips or tricks that you have found which have been particularly effective to either establish child support or collect child support on international cases? This could include enforcement actions you have taken, communications/letters, court proceedings, voluntary arrangements – anything you can think of which you believe has helped either establish the order or ensure compliance with the order.

### **A Little Bit About You**

15. How long have you been working in Child Support?

16. How long have you been working on International Cases?

17. Did you work in another field that you felt helped you when you started working on child support enforcement?

**No**

**Yes – what was that work experience?**

18. Do you feel that having a specific type of education or training would be of benefit to being a child support worker on international cases?

**No**

**Yes**

19. What do you like best about working international cases?

20. The results of this survey will be shared with caseworkers in other countries. Please feel free to share a message in the space below with your colleagues around the world!