

A COMPARATIVE STUDY OF CHILD MAINTENANCE REGIMES

Questionnaire for national informants

Focus of questionnaire

The questionnaire concerns your child maintenance (child support) regime. By this we mean the overall system in your country under which parents meet their financial obligations in respect of children with whom they do not live. These financial obligations arise when parents live apart following a divorce or separation, or when parents have never lived together.

Scope

The questionnaire is primarily concerned with regular payments for financial support, which we call here child maintenance. There are other forms of financial transactions between parents who do not live with each other including spouse maintenance (or alimony), lump sum payments, transfers of property, assets and pension rights. We are interested in these other forms of support only in so far as they affect child maintenance. We do not define a child. Please use those age related definitions of a child or children that are relevant in your country, throughout the questionnaire, with appropriate explanations when necessary.

The child maintenance regime includes arrangements for determination, enforcement and revision of payments. In most countries, the child maintenance regime will be some combination of private voluntary arrangements, formal arrangements made by courts, and formal arrangements made by other organisations or agencies. We seek information about all these.

The questionnaire is primarily concerned with entitlements to and liabilities for transfers of private resources. There are a few additional questions about the interaction of child maintenance with public resource transfers (for example maintenance guaranteed by the state and social benefits).

This questionnaire is not concerned with children for whom the state has assumed responsibility, and/or who live in foster homes, children's homes or other institutions. We seek information about child maintenance in respect of children living at home with one parent.

We are interested in three different groups of parents:

- separated married parents (whether formally divorced or not)
- separated cohabiters
- parents who have never lived together.

Core terms

We call the parent who has the main day-to-day responsibility for the child(ren) concerned, the parent with care. We call the parent who is not currently living with the child(ren) and their other parent, the non-resident parent. The amount of money the non-resident parent is required to pay (or agrees to pay) the parent with care is called the obligation. (In some literature or countries this may be called the award or the obligation.) Definitions of other terms are provided below.

Organisation of questionnaire

The questionnaire is organised in the following way.

- Part One seeks information about the history and general objectives of your child maintenance regime.
- Part Two asks how families enter the child maintenance system, including the general framework for divorce, separation, and the establishment of paternity for nonmarital children.
- Part Three covers detailed information about the determination of maintenance due. We ask how obligations are set, looking at rules, guidelines and discretionary components.
- The procedural aspects of collection and enforcement, and the implications of non-compliance are covered in Part Four.
- Part Five asks about the interactions of receipts and payments with other policies.

- *Administrative costs and quantitative data on outcomes are covered in Part Six.*
- *Part Seven asks you to draw on existing research in a brief evaluation of the child maintenance regime in your country; it also asks for the main topics of research and debate in your country.*
- *Part Eight presents two vignettes, or cases, in which we describe the circumstances of parents and children, and ask you to describe how they might be dealt with under your child maintenance regime.*

There are further instructions on how to fill in the questionnaire at the beginning of each part (with instructions presented in shaded text). We suggest that you read through the whole questionnaire thoroughly before you begin. We assume you will find it more convenient to complete the questionnaire directly onto the file. If you would prefer a paper copy, with space allowed after each question, please let us know.

We ask that you provide us with a list of the sources you consulted most frequently when answering this questionnaire.

When we ask for current information, this relates to the situation at 1 July 2006.

TERMS AND DEFINITIONS	
<i>Advance maintenance</i>	<i>Program in which child maintenance money is provided in advance of any payment made by the non-resident parent. In effect this guarantees an amount of child maintenance.</i>
<i>Child</i>	<i>We do not define a child. Please use those age related definitions of a child or children that are relevant in your country throughout the questionnaire.</i>
<i>Child maintenance</i>	<i>This refers to the money due to children from their liable parent (following the breakdown in the parental relationship). It may be paid to the parent with care or the child(ren); this varies by country.</i>
<i>Child maintenance regime</i>	<i>We include here all arrangements under which non-resident parents provide financial support for their children. We include voluntary arrangements, arrangements through the legal system, and arrangements through governmental agencies. We include both explicit and implicit governmental policies.</i>
<i>Cohabitees</i>	<i>We use this to refer to unmarried parents who live together</i>
<i>Guaranteed maintenance</i>	<i>Same as 'Advanced Maintenance' (see above)</i>
<i>New child or children</i>	<i>Where parents move on after separation or divorce and produce another child/children with a new partner.</i>
<i>New family</i>	<i>Where parents move on after separation or divorce and develop family relationships with a new partner. This may or may not also include children.</i>
<i>New partner</i>	<i>Where parents move on after separation or divorce and develop an intimate relationship with a new adult.</i>
<i>Non-resident parent</i>	<i>Refers to the parent with whom the children do not live a majority of the time. In many countries this is commonly the father.</i>
<i>Nonmarital child or children</i>	<i>Refers to a child or children from a relationship in which the parents are not married.</i>
<i>Obligation or 'child maintenance obligation'</i>	<i>This refers to any award of money made for child maintenance only. We use it as a general term to refer to all official and unofficial arrangements.</i>
<i>Prior child or children</i>	<i>Some parents have children from more than one relationship. We use "prior children" to refer to children from a previous relationship.</i>
<i>Parent with Care</i>	<i>This is the parent who has the main day-to-day responsibility for the children and the child(ren) live with this parent the majority of the time. In many countries this is commonly the mother.</i>
<i>Social assistance</i>	<i>By this we mean programs that provide income to low-income individuals or families. These programs have an income test, and often also have asset limits. This is one type of social benefit.</i>
<i>Social benefit</i>	<i>We intend this to be a very broad term. It includes all programs that provide income to individuals and families. This includes social assistance programs and programs that do not have an income test.</i>
<i>Step child</i>	<i>Where a parent has responsibility for a child living in their household who is not related to them biologically.</i>
<i>Tax benefit</i>	<i>We use this term broadly to refer to special features of the tax system that allow individuals in certain circumstances to pay less taxes. We also include programs that provide income through the tax system.</i>

SUMMARY OF CONTENTS	
	<i>Content Areas and Question Numbers</i>
Part One	<i>Development of Child Maintenance Regime (Questions 1.1-1.4)</i>
Part Two	<i>Entering the Child Maintenance System</i>
2.1	<i>Child maintenance arrangements for couples who have been married (Questions 2.1.1-2.1.3)</i>
2.2	<i>Child maintenance arrangements for couples who have lived together without being married (Questions 2.2.1-2.2.3)</i>
2.3	<i>Child maintenance arrangements for those who have never lived together (Questions 2.3.1-2.3.3)</i>
Part Three	<i>The Determination of Child Maintenance Due</i>
3.1	<i>Overview (Questions 3.1.1-3.1.5)</i>
3.2	<i>Voluntary agreements about child maintenance (Questions 3.2.1-3.2.2)</i>
3.3	<i>Court determination of child maintenance (Questions 3.3.1-3.3.10)</i>
3.4	<i>Problems and revisions for court determinations (Questions 3.4.1-3.4.4)</i>
3.5	<i>Agency determination of child maintenance (Questions 3.5.1-3.5.10)</i>
3.6	<i>Problems and revisions for agency determinations (Questions 3.6.1-3.6.5)</i>
3.7	<i>Review and summary (Questions 3.7.1-3.7.5)</i>
Part Four	<i>Collection, Payment, and Enforcement of Child Maintenance</i>
4.1	<i>Direct arrangements for collecting maintenance (Questions 4.1.1-4.1.4)</i>
4.2	<i>Mediated arrangements for collecting maintenance (Questions 4.2.1-4.2.5)</i>
4.3	<i>Non-compliance (Questions 4.3.1-4.3.3)</i>
4.4	<i>Guaranteed maintenance programs (Questions 4.4.1-4.4.6)</i>
Part Five	<i>Financial Interactions</i>
5.1	<i>Treatment of maintenance received (Questions 5.1.1-5.1.3)</i>
5.2	<i>Treatment of maintenance paid (Questions 5.2.1-5.2.3)</i>
Part Six	<i>Costs and Quantitative Data on Outcomes</i>
6.1	<i>Costs of the child maintenance regime (Questions 6.1.1-6.1.6)</i>
6.2	<i>Quantitative data on child maintenance (Questions 6.2.1-6.2.6)</i>
Part Seven	<i>The Overall Context</i>
7.1	<i>Topics of debate and research (Questions 7.1.1-7.1.5)</i>
7.2	<i>Your evaluation of the child maintenance regime (Questions 7.2.1-7.2.3)</i>
Part Eight	<i>Two Vignettes (Questions 8.1.1-8.8.3)</i>

PART ONE: DEVELOPMENT OF CHILD MAINTENANCE REGIME

This part of the questionnaire seeks a broad overview of your current system.

Please remember that we are interested in three groups of parents:

- *separated married parents (whether formally divorced or not)*
- *separated cohabitantes*
- *parents who have never lived together.*

1.1 Consider the overall arrangements in your country for determining, enforcing and revising child maintenance payments. What are the broad policy objectives of these arrangements? We are interested in both explicit and implicit objectives.

Parents with children living apart have primary responsibility to come to an agreement on how to support their children, that is, how much each parent should pay for the caring of their children. This responsibility is regulated by law (The Children and Parents Code). The non-resident parent is obliged to contribute towards the support of the child. This child maintenance (underhållsbidrag) is mostly paid by non-resident fathers in Sweden. No public authority is responsible for parents coming to an agreement on how much the “absent” parent should pay. The amount paid is related to the needs of the child and the assembled economic capabilities of the two parents. Parents who cannot make an agreement have to seek legal counselling from lawyers and other juridical representatives. The decision is then settled in legal courts. In most municipalities parents can turn to the local Social Service Agencies for counselling, advice and mediation in family matters, especially when children are concerned. However, this does not include counselling concerning financial responsibilities of respective parent. The National Board of Health and Welfare used to publish guidelines concerning how much each parent should pay.

If the non-resident parent cannot or refuses to pay child maintenance, Advance Maintenance may be granted, which can be perceived as the minimum maintenance guaranteed by the state. Advance Maintenance may also be granted if the non-resident parent pay Child Maintenance below a nationally established amount, corresponding to the level of Advance Maintenance (in 2006 1273 SEK per month). The latter is granted as a Supplemental Maintenance (Utfyllnadsbidrag). Advance Maintenance and Supplemental Maintenance are reduced if the Child has income above 48000 SEK (2006), for example from invested capital. Advance Maintenance corresponds to approximately half the normal costs for a child after consideration to the universal child benefit. Administration and decisions concerning Advance Maintenance is made by the Regional Social Insurance Office. Advance Maintenance is paid until the child is 18 years old. The duration may be pro-longed if the child is in compulsory school or upper secondary school. There is also a third form of payment paid in cases where the caring of children is altered between parents on a regular basis, that is, if the child lives part time with each parent. I chose to call this payment “Alternate Maintenance”, in Swedish it is called “Underhållsstöd vid växelvis boende”. Alternate Maintenance is tested against the income of the applicant parent.

The non-resident parent who is obliged to pay Child Maintenance have to in part or in full reimburse the costs for Advance Maintenance. Repayment is established as a certain percentage of the non-resident parents’ income, after a deduction of 100000 SEK (2006). The fixed percentage can be reduced if the non-resident parent has financial responsibilities for additional children. Non-resident parents do not have to reimburse Supplemental Maintenance.

1.2 Please explain briefly the history and development of the current regime.

General support towards lone mothers was introduced in Sweden with the first law on Advance Maintenance in 1937. It was introduced due to concerns about hard living conditions among children with un-married parents or with parents living apart. However, Advance Maintenance was only granted

in relation to the father. The intention by the government was not to take over the financial responsibility of the father, but to guarantee the child maintenance although the father refused or could not pay. The amount granted showed regional variation and it was also differentiated according to number of children the mother cared for. Advance Maintenance was originally income-tested. The income-test took account of the mother's income and capital, and if married the income test also took into consideration her husband's income and capital. Consequently, the national guarantee for financially supporting children was subsidiary. It only concerned situations where the mother could not take on the fathers' financial responsibilities.

The original act was replaced by a new law in 1943. By amendments in 1948, the amount guaranteed was made nationally uniform and the differentiation by number of children was abolished. At the same time, the income-test was also abolished in relation to the income and capital of the mother. Advance Maintenance was still income-tested against the income and capital of the child (which it is still today). The intention surrounding these amendments was to make non-marital children and children with separated parents stand on more equal terms with children whose parents still live together. The society should guarantee fathers' share of the support toward children without asking whether the mother could support the child in absence of assistance from the state.

Children where paternity could not be established was originally not eligible for Advance Maintenance. In 1947, an amendment made also these children eligible for support from the state, but it was granted in the form of a special Child Benefit. It was only granted to children older than three years. In 1960, these children were transferred to the Advance Maintenance system, but the age condition was still active. The motive was to obstruct abuse of the system of Advance Maintenance and a means to encourage parents to establish the paternity of the child. The latter was considered important from the perspective of both the child and the society. By a new law in 1964, this age condition was abolished.

In 1957, the government stipulated a law on Supplemental Maintenance, to be granted in cases where Child Maintenance was established at low levels. The reason behind this law was concerns about inadequate Child Maintenance payments, which often were established at very low amounts. In effect this meant that many families with children of whom parents live apart, prior to the law on Supplemental Maintenance, were forced to apply for poverty relief, although they received Child Maintenance. In 1964, the law on Supplemental Maintenance was transferred to the law on Advance Maintenance.

In 1996, a new law on Advance Maintenance was introduced (effective in 1997). However, besides changing the Swedish name of the Benefit from "bidragsförskott" till "underhållsstöd", the new benefit did not change in content to any significant extent. The major contribution by new law was to further reduce the association between Advance Maintenance and Child maintenance, which is regulated by family law. Today, the association between these two rules and regulations is reduced to one of the conditions for receiving Advance Maintenance, namely that the non-resident parent does not pay Child Maintenance corresponding at least to the amount the child would be granted in the form of Advance Payment if the non-resident parent does not pay any Child Maintenance. In the previous system, children sometimes had to sue their parents in court in order to receive Advance Maintenance. Besides this change, the purpose of the new regulations was to cut down on expenditures (for example by strengthening the financial responsibility of the non-resident parent), reduce the negative consequences of the reimbursement of Advance Maintenance so that parents keep seeing their children, and make the rules simpler and clearer.

1.3 If there has been a major transfer of administrative responsibilities or any major change in approach since 1997, please describe the policy context and the process of creating and implementing the initiative. Were the changes controversial? (an example here might be the establishment of a new agency)

In 2003 the government appointed an investigation concerning the 1996 law on Advance Maintenance. The investigation set out from the position that the existing system of Advance Maintenance functioned on the whole quite well, but that some adjustments could make the regulations even more suited for their purpose. The investigation proposed several minor adjustments. Below are the most significant.

*Supplemental Maintenance should be income-tested against the income of the parent with care. The purpose is to increase the legitimacy of the system and to increase both parents' financial responsibilities. This suggestions has not been translated into law.

*The rules regulation reimbursement of Advance Maintenance should be liberalized.

*The municipalities (local Social Service Agencies) should be forced to provide counselling and mediation concerning Child Maintenance matters. Today most municipalities provide counselling concerning custody, housing, and relations of children. This should be extendet also for financial responsibilités and turned into a municipal obligation. According to this suggestion, the municipalities are obliged to make parents come to an agreement concerning Child Maintenance. Today there is no agency responsible of parents coming to an agreement. This suggestion has not been realized.

In Sweden there is a discussion about efforts to stimulate increased engagement of non-resident parents to take part in the caring of children, not only concerning financial obligations. There is also a discussion about increasing the child's perspective concerning questions related to family law. In 2006 the National Board of Health and Welfare published new rules concerning caring, housing, and relations of children, which are of importance for the work carried out by for example the Local Social Service Agencies and practices of the legal courts concerning family matters. These new rules concerned mainly amendmends in the Children and Parents Code. Below are some of the new rules.

*A more emphasized child perspective. The child's well-being should guide all decisions concerning caring, housing, and relations of children.

*Mutual caring should in principal be excluded in cases where there is violence in the family.

*The Social Welfare Board should take greater consideration than before to grandparents in descisions concerning the caring of children.

*The legal court should place special consideration to mutual agreements between parents and the court may appoint concilators in lawsuits concerning the caring of children.

*Strengthened emphasis on the will of Children concerning their caring. The twelve-year limit is abolished, wherby all children irrespective of age can express their will concering which parent they want to stay with. This will should be respected in courts, although decisions still can go against the will of children.

1.4 Which of the following were explicit objectives of the change?

No major alterations, however, following the text above

Limiting public expenditures, the new law of 1996, effective in 1997.

Enforcing obligations to biological children, the new law of 1996.

Reducing child poverty

Influencing relationship formation and dissolution behaviour, the new law of 1996, particularly to modify regulations concerning reimbursements in order to stimulate relationships between non-resident parent and child.

Influencing employment of lone parents

Increasing voluntary arrangements for maintenance

Other (please describe briefly) Legitimazy, see above

PART TWO: ENTERING THE CHILD MAINTENANCE SYSTEM

In this part of the questionnaire we are interested in entrance into the child maintenance system, considering arrangements for couples who have been married, those who have cohabited, and those who have not lived together.

2.1 CHILD MAINTENANCE ARRANGEMENTS FOR COUPLES WHO HAVE BEEN MARRIED

2.1.1 In your country, who has primary responsibility for divorce proceedings?

Courts

Other (please list and describe)

2.1.2 Please explain briefly the legislative, administrative and procedural framework for divorce in your country.

Divorce is applied for in district courts. Both parents have in principal the right to apply for immediate divorce. However, if only one spouse want divorce or if there is children below 16 years in the family, the divorce is preceded by time for consideration. Spouses do not have to live apart during the time for consideration. The time for consideration is between 6 and 12 months. Time for consideration is not necessary if spouses have lived apart for more than two years. This should be documented by a testimonial signed by two persons knowing the spouses well.

One spouse cannot be claimed for damages. However, following the divorce is a division of the joint property of the husband and wife. The common rule is to split the joint property into two equal parts. It is possible to surpress this rule if it can be considered to be inappropriate in relation to the financial circumstances of the spouses and in relation to the time the marriage has lasted. One spouse may have to pay alimony to the other spouse, although this is not that common in Sweden.

2.1.3 Explain how decision-making about child maintenance fits around the divorce process. Who has the main responsibility for deciding whether and how much child maintenance should be paid when a couple divorce?

Most parents living together have mutual custody over their children. This implies that both parents together should decide concerning questions essential for the caring of the child. Mutual custody also implies that the child is under the guardianship of both parents. Mutual custody is automatically continued if parents separate, for example due to a divorce. Mutual custody is a juridical term and does not mean that the child alternately is living with both separated parents. The district court decide on custody if there is a dispute among separated parents. The court decide on what it considers best for the child, here special concern is taken to close and good relationship with both parents. The court should also take attention the child's own will, with consideration to the age and maturation of the child. In Sweden, many parents turn to lawyers in these matters.

As noted above, both parents have financial responsibility over the caring of the child, irrespective of with whom the child lives. These financial responsibilities is related to the need of the child and the joint financial capabilities of both parents. Parents are financially responsible until the child reaches the 18th birthday, although it may be prolonged until the child is 21 years (for example if the child is attending school).

The non-resident parent is obliged to pay child maintenance. No government agency is responsible for determining the size of this child maintenance or assisting parents coming to a voluntary agreement. If parents need advice concerning its size, they may turn to legal representatives, such as lawyers, to write legal contracts which function as agreements between the parents. If parents still cannot come to an agreement, district courts can judge the non-resident parent to pay a certain Child Maintenance.

Here, the court takes into account among other things the income of both parents, the need of the child, and each parent's financial excess. In effect, this means that Child Maintenance in many cases exceeds the standard laid down in regulations concerning the Advance Maintenance guaranteed by the state. Child Maintenance is therefore customized in accordance with the capabilities of each respective family. When parents have come to an agreement or when there is a judgment concerning Child Maintenance, it should be paid in advance each month.

In several cases there is need for a independent agent administering payments between parents, for example when the non-resident parent does not have the financial capabilities to pay Child Maintenance or when the relation between the parents are severely infected. The Regional Social Insurance Office function as such an agent. In addition to Advance Maintenance, the Regional Social Insurance Office also administers social insurance payments and child benefits.

Advance Maintenance is paid if the non-resident parent does not pay Child Maintenance, if the non-resident parent pay less than 1273 SEK per month (2006), if fatherhood cannot be established, the child stays alternately with both separated parents, or if the child is adopted by a single person. More information about Advance Maintenance is provided above, see 1.1 and 1.2 above.

2.2 CHILD MAINTENANCE ARRANGEMENTS FOR COUPLES WHO HAVE LIVED TOGETHER WITHOUT BEING MARRIED

2.2.1 Please explain briefly the legislative, administrative and procedural framework (if there is one) in which unmarried parents who had lived together separate.

If persons cohabit without being married they do not have all benefits associated with marriage. However, there are certain legal safety nets also for persons living together without being married. Persons living together and sharing household is covered by the Law on Cohabitation, which was introduced in 1987 as a means to protect the weaker part in the household. It does not matter whether the cohabiting persons are of equal sexes or not. However, in order to be covered by the law, the cohabiting persons must have a life together which includes a sexual relationship. None of the co-habiting persons can be married or have a registred partnership. Consequently, two siblings living together is not covered by the Law on cohabitation.

Cohabiting persons does not have to apply for separation or register their separation. Cohabitation ends if marriage is established, if persons move apart, or if one of the partners dies. The main principle following the separation is that each person receives half of what they purchased for joint usage, including housing and household goods. Other belongings are not covered by the law, which makes cohabitation different from marriage. Division of joint property only takes place if one of the cohabiting partners demands it. There is a possibility for cohabiting partners to agree on other terms than those stipulated in the Law on Cohabitation.

2.2.2 Explain how decision-making about child maintenance fits into this framework. Who has the main responsibility for deciding whether and how much child maintenance should be paid when an unmarried couple separate?

Decision-making concerning Child Maintenance is the same as for married persons, see above.

2.2.3 Please explain briefly what happens if paternity is disputed in couples who have lived together.

If paternity is disputed in couples who have lived together, the local Social Welfare Board is obliged to investigate who the father is and make sure fatherhood is established. The local Social Welfare Board should collect statements from the mother and from other persons who can provide important information for the investigation. If faderhood can be established with confidence, the

Social Welfare Board lets the father confirm paternity. The board should also encourage DNA-analysis if the person who claims to be the father requires it or if there is reason to believe that the mother have had sexual intercourse with several men during time of conception. The investigation can be closed if it seems impossible to get sufficient information to establish fatherhood or if it seems hopeless get it confirmed in court.

2.3 CHILD MAINTENANCE ARRANGEMENTS FOR THOSE WHO HAVE NEVER LIVED TOGETHER

2.3.1 In couples who have not lived together, explain how decision-making about child maintenance is made. Who has the main responsibility for deciding whether and how much child maintenance should be paid?

Once paternity is established, the same procedures apply as for couples who have lived together.

2.3.2 Please explain briefly the process for establishing legal paternity in couples who have not lived together when paternity is not in dispute. (For example, legal paternity is presumed if the father's name is on the birth certificate.)

If a child is born within a marriage, the married persons also have the full mutual custody of the child. If a child is born in a family with cohabiting parents or separated parents, paternity must be established, either by confirmation or in court. A confirmation concerning paternity is voluntary. It should be written and confirmed by two persons. It should be accepted by the local Social Welfare Board and by the mother. The Social Welfare Board accepts the confirmation if it seems reasonable that the man is the father. If there is no confirmation, paternity has to be established in court. Here, two things must be confirmed. First, that the man have had sexual intercourse during time of conception. Second, that it according to all circumstances seems reasonable that the man is the father. Here, DNA-analyses can be vital.

2.3.3 Please explain briefly what happens if paternity is disputed in couples who have not lived together.

Same as 2.2.3.

PART THREE: THE DETERMINATION OF CHILD MAINTENANCE DUE

Part Three of the questionnaire is concerned with determination of the child maintenance obligation and entitlement - the decision-making process by which child maintenance is agreed between parents, or decided by Courts or Agencies. This part of the questionnaire does not ask about arrangements for collection or enforcement of maintenance, which is dealt with in Part Four.

After an initial overview (Questions 3.1.1-3.1.5), we ask for detailed information about the determination of child maintenance due in three sections which address separately:

- voluntary agreements between parents (Questions 3.2.1-3.2.3)*
- obligations determined by Courts (Questions 3.3.1-3.4.4)*
- obligations determined by other agencies/organisations (Questions 3.5.1-3.6.5)*

One of these three sections may not be relevant in your country (for example, if Courts are not involved in determination of maintenance obligations). Please complete the sections which are relevant to your country, and if you leave out a section please explain why.

Please remember that we are interested in three groups of parents:

- separated married parents (whether formally divorced or not)*
- separated cohabittees*
- parents who have never lived together.*

3.1 OVERVIEW

3.1.1 Are parents who were married allowed to make a voluntary agreement as to the amount of maintenance? Are separated cohabittees? Are parents who have never lived together? For each group, please briefly discuss the circumstances in which they are allowed to make a voluntary agreement.

All these groups can make a voluntary agreement as to the amount of maintenance.

3.1.2 If parents can make a voluntary agreement, does it have to be approved by someone else? By whom? What criteria are used? How often is the agreement approved, and what happens if it is not? (Again please answer each part of this question for separated married parents, separated cohabittees, and those who have never lived together.)

Voluntary agreements are the same for separated married parents, separated cohabittees and those who have never lived together. Voluntary agreements should be written and the following must be clearly stated: Personal information of the child and parents, the amount of Child Maintenance, time of payments, when Child Maintenance is ended, and to whom payments are made. The agreement is signed by the parent obliged to pay Child Maintenance, and by the mother. The voluntary agreement should then be submitted to the local Social Welfare Board. The local Social Welfare Board approves the voluntary agreement of Child Maintenance. Before the approval, the local Social Welfare Board investigates whether the agreement corresponds to the child's legal right to financial support from the non-resident parent and whether the amount is reasonable in relation to the financial situation of both parents.

3.1.3 Do courts play a role in determining maintenance amounts? If so, is it a primary role, or residual? Please briefly explain the circumstances and the types of cases in which the court is involved.

The court play an important role (although most agreements on Child Maintenance in Sweden are voluntary), both if voluntary agreements are made and in cases where disputes concerning the amount of Child Maintenance has to be established in court. Since parents disagreeing on the amount of Child Maintenance have the option of letting the court decide, parents often takes "latent" decisions by the court into consideration when establishing voluntary agreements. In many cases, parents also seek advice from lawyers.

3.1.4 Do agencies other than the court play a role in determining maintenance? If so, which agency/agencies? Please describe its functions, both in terms of functions related to child maintenance and functions related to other areas of responsibility. Please explain the circumstances and the types of cases in which the agency is involved.

No agency other than the court can determine the amount of maintenance. There is no government agency responsible for providing information on how parents can agree on reasonable amounts of Child Maintenance, nor any agency responsible for parents coming to a voluntary agreement. However, as noted above, The Social Welfare Board checks whether voluntary agreements are reasonable. If agreements do not correspond to the legal right of the child, the Social Welfare Board may decide to bring parents before court. Nevertheless, several agencies or forums provide useful information on how parents themselves can calculate reasonable amounts. Here, we have, for example, the National Board of Health and Welfare. Also the internet provides useful information in matters concerning family law. Famratt.com is such a homepage, which also provides detailed information on how to divide costs associated with the caring of children between parents. Beside these channels for information, parents may also hire lawyers or turn to other juridical representatives for assistance of coming to agreements.

3.1.5 For children of formerly married parents, is the child maintenance obligation in the child's name or in the name of the parent with care? Is this different for separated cohabiters or for children of parents who have never lived together? Does it differ depending on whether it is a voluntary agreement versus being determined by the court or an agency?

Formally, the child maintenance obligation is in the child's name, since the payment is supposed to compensate the child (not the caring parent) financially from an absent parent. The actual payment, however, is paid to the parent with care, as long as the child is a minor, below 18 years. Hence, the payment reaches the caring parent on behalf of the child. It does not differ between separated cohabiters or for children of parents who have never lived together. Nor does it differ depending on whether it is a voluntary agreement or if it is being determined by the court.

We now ask more detailed questions about the three types of arrangements, voluntary, court-determined, and agency-determined.

3.2 VOLUNTARY AGREEMENTS ABOUT CHILD MAINTENANCE

3.2.1 Please provide information on voluntary agreements: are lawyers, agencies or other organisations involved in mediating or helping to negotiate voluntary child maintenance agreements? If so, please explain the processes. Are there any formal guidelines on deciding the amount?

There is no agency responsible for negotiating voluntary child maintenance agreements. In some municipalities parents may receive help from the local Social Welfare Agency. The local Social Welfare Agency, however, are not obliged to give assistance concerning Child Maintenance matters, although the government initiated investigation on Advance Maintenance referred to above suggests this to be the case. The municipalities already provide consultation concerning other family law matters, especially when children are concerned. The National Board of Health and Welfare provides guidelines, or rather used to provide guidelines. It is uncertain if they intend to do this also in the future. They recently withdrew these guidelines since they did not want to answer all questions related to voluntary Child Maintenance agreements. The guidelines were only considered as points of discussion for parents seeking own agreements, not to answer all questions that may arise. Today, these guidelines have been translated into legal practise. Parents may also turn to secondary sources, such as the internet where examples on how to calculate reasonable amounts of Child Maintenance are provided. If parents need assistance on deciding appropriate amounts, they may turn to juridical representatives or lawyers.

3.2.2 What happens if parents attempt to reach a voluntary agreement but are unable to do so?

They must then settle in court. If the non-resident parent refuses to pay or pays only a small amount, the caring parent may be granted Advance Maintenance or Supplemental Maintenance from the State.

3.3 COURT DETERMINATION OF CHILD MAINTENANCE

This section seeks detailed information about child maintenance determined by Courts. If Courts are not involved in determination of maintenance in your country, please go on to the section on agency determination (after question 3.4.4). If courts are involved, please provide copies of formulae, standards, schedules, tables or guidelines as appropriate in addition to answering the questions below. If the Court uses discretion to address any of the questions below, please discuss the criteria that are typically taken into account. As you answer questions in this section, please remember that we are interested in three groups of parents (separated married parents, separated cohabiters, and parents

who have never lived together).

3.3.1 Please explain how lawyers, agencies or organisations are involved in mediating, supporting or helping parents involved in Court decisions about regular child maintenance. Does this differ for separated married parents, separated cohabitants, and parents who have never lived together?

Lawyers or other juridical representatives help parents calculate appropriate amounts of Child Maintenance. If parents still disagree, the final decision concerning the amount is determined in court. There is no difference between separated married parents, separated cohabitants, and parents who have never lived together.

3.3.2 How would you describe the main method of Court determination of the amount of maintenance on the following continuum:

- Full discretion
 Mostly discretion, but with informal guidelines
 Formal guidelines
 Rules/rigid formulae

Following are the basic principles on deciding appropriate amounts for Child Maintenance.

*The need of the child is established to a certain amount.

*The net income after tax is calculated for each parent.

*From the net income of each parent, deductions are made for living expenses (this includes also living expenses for other children for whom the parent is financially responsible).

*The resulting amount of each parent is treated as a financial excess.

*Maintenance for the child is then portioned proportionally to the financial excess of each parent.

With the calculation of Child Maintenance, each parent should try to make an assessment of incomes and expenses during the coming year. The portion formula is: Child Maintenance = $\frac{\text{The need of the child} \times (\text{the financial excess of the non-resident parent})}{\text{the financial excess of the non-resident parent} + \text{the financial excess of the joint financial excess of both parents}}$.

The need of the child is the actual living expenses for the child. As guidance, parents may use calculations made by the National Board of Health and Welfare, which divide expenses on several budget posts. Following amounts are for 2006.

(basic amount 2006 = 39 700 SEK)

Age of Child	Percent of basic amount	Amount each month
0 - 6 years	65	2150 SEK
7 - 12 years	80	2647 SEK
13 year and older	95	3143 SEK

These calculations should only be regarded as points of departure for establishing the amount of Child Maintenance. Actual living expenses includes following items: food, laundry, hygiene, clothes, leisure, household goods, baby carriage etc, tv and radio licence, newspapers, electricity, insurance premiums, pocket money. The need of the child can be less or higher depending on individual circumstances. Besides the basic amounts shown above, special expenses may arise, for example costs for child care and costs for sickness or disablement. Deductions are made for social benefits received by the child, such as child benefits, study allowances. Deductions are also made for other income of the child, such as income from capital. Minor earnings received by the child for work conducted after school should

normally not be deducted. The child may also be entitled to a higher Child Maintenance depending on the financial situation of the parents and the age of the child. Older children have greater needs than younger children. According to legal practise, the child should receive Child Maintenance which roughly is in correspondence with the actual living standard of the non-resident parent.

Deductions made by parents for living expences amounts to 120 percent of the basic amount. Deductions for housing costs are calculated separately and added to these 120 percent. In some circumstances, deductions may also be made for living expences of a spouse. Here, the usual deduction is 60 percent of the basic amount. Deductions may also be made if other children lives with the non-resident parent. If these children are staying with the non-resident parent, the deduction is 40 percent of the basic amount.

According to recommendations by the National Board of Health and Welfare, the non-resident parent ought to retain at least his or her deduction for living expenses plus 300 SEK per month.

If more than one method is used, please describe the circumstances that could lead to different methods.

Please report any differences between separated married parents, separated cohabitees, and parents who have not lived together.

There is no difference

3.3.3 Is there a minimum amount of maintenance required?

No

Yes. How much? What are the circumstances in which it is used?

Yes, the Advance Maintenance can be regarded as a minimum amount. In 2006 Advance Maintenance corresponded to 1273 SEK per month. According to established legal practise in court decisions, the child should have an amount corresponding to the living standard of the non-resident parent who is obliged to pay Child Maintenance.

If there is a maximum, please also provide information on its level and the circumstances in which it is used.

There is no maximum more than the recommendation by the National Board of Health and Welfare that each parent ought to retain at least 300 SEK of his or her financial excess each month.

3.3.4 These questions deal with how the Court takes account of the non-resident parent's resources in determining whether there is a child maintenance obligation and its amount.

A. How much of the non-resident parent's earnings are considered?

All

Some (explain)

None (go to 3.3.4 C)

See 3.3.2 above.

B. If some or all of the non-resident parents earnings are considered, is this based on gross or net earnings?

Gross

Net (What is deducted?)

See 3.3.2 above. The deduction for living expenses (120 percent of the basic amount) includes following items: food, clothes, laundry, hygiene, gas, electricity, telephone, radio and tv licence, newspapers, insurance premiums, union fees, normal expenses for medicine and medical treatment, and work related transportation costs. The deduction for living expenses can be both lowered and increased if there are special circumstances, for example, if the non-resident parent lives abroad with exceptionally low living expenses. The deduction for own living expenses (120 percent of the basic amount) is normally not affected by the income of other persons the non-resident parent lives with.

C. Are other sources of income (for example, benefit income, asset income, etc.) of the non-resident parent considered. **All ignored** **All considered** **Some ignored, some considered. Which ones?**

Income from work includes besides salary also taxable fringe benefits, social insurance, study allowances (received by the parent) and tax-free stipends. Asset income and income from private firms are also taken into consideration. Housing benefits are not treated as income. However, these benefits are taken into consideration when determining the actual living expenses of each parent, which are used to calculate the financial excess of the parents. Child benefits are not included, since these are deducted when calculating the need of the child.

D. Are the non-resident parent's basic living expenses taken into account? **No** **Only in certain circumstances. Please describe the circumstances in which this would occur and the way in which it affects the obligation.** **Yes. Please describe the way in which it affects the obligation.**

See 3.3.2 above.

E. Are the non-resident parent's other personal expenses considered? (For example, work expenses, sickness/health expenses). In what type of circumstances? Are debts considered?**How?**

These are included in the standard deduction mentioned above, see 3.3.4. Deductions for housing costs which are added to the standard deduction may include costs for debts. Deduction for debts due to studies (for example at university) may be added to the standard deduction. Deductions may be granted for additional children for whom the non-resident parent has financial responsibilities and for a new spouse who lacks own income, see above.

F. Are any allowances made for expenses involved in maintaining a relationship with the child? (For example, consider transportation, housing, etc.) How are these expenses considered?

Generally, both parents should contribute financially to cover these types of costs, for example transportation and housing of the child. The local Social Welfare Agency may grant Social Assistance (Kontant Försörjningsstöd) to cover transportation costs if necessary. This benefit, however, is subject to a strict means-test. Income-tested Housing benefits are available for families with dependent children. Also here, Social Assistance may be granted for parts of the actual housing costs.

3.3.5 The following questions deal with how the Court takes account of the non-resident parent's family relationships in determining whether there is an obligation and its amount.

- A. Is the obligation affected by whether the non-resident parent has a new partner with whom he lives? How does it affect the obligation? Do a new partner's resources (income) matter? How? Does a new partner's own child (the non-resident parent's stepchild) matter to the obligation? How?**

In some circumstances the non-resident parent may deduct an amount for a new dependent partner, which lowers the non-resident parent's financial excess, See 3.3.2 above. This may apply if the new spouse lacks income. Normally, stepchildren do not impact the obligation. In some situations, however, it is possible to make a deduction also for the new partner's own child, if this child is living with the non-resident parent. This could, for example, be the case if this child's biological parents cannot support the child.

- B. Is the obligation affected by whether the non-resident parent had prior children? In what way?**

Yes, the non-resident parent may deduct a certain amount for other children for whom the parent has legal financial responsibility. The deduction amounts to 40 percent of the basic amount. From this deduction, any Child Maintenance or Advance Maintenance received for this child reduces the reduction in full. The deduction for other children reduces the financial excess of the non-resident parent, which in turn lowers the amount of Child Maintenance.

- C. Is the obligation to the children affected by whether the non-resident parent has a new child that he lives with? In what way?**

Yes, see A and B above. The reduction for other children for whom the non-resident parent has legal financial responsibility lowers this parent's financial excess. In some circumstances this also applies for stepchildren.

- D. Is the obligation to the children affected by whether the non-resident parent has a new child that he does not live with? In what way?**

Yes, as long as the non-resident parent has legal financial responsibility and pay Child Maintenance for this child. The non-resident parent may deduct an amount which lowers his or her financial excess.

3.3.6 These questions deal with how the Court takes account of the parent with care's resources in determining whether there is an obligation and its amount.

- A. How much of the parent with care's earnings are considered?**

All
 Some (explain)
 None (go to 3.3.6 C)

same as 3.3.4.

- B. If some or all of the parent with care's earnings are considered, is this based on gross or net earnings?**

Gross
 Net (What is deducted?)

same as 3.3.4.

C. Are other sources of income (for example, benefit income, asset income, etc.) of the parent with care considered?

All ignored

All considered

Some ignored, some considered. Which ones?

same as 3.3.4.

D. Are the parent with care's basic living expenses taken into account?

No

Only in certain circumstances. Please describe the circumstances in which this would occur and the way in which it affects the obligation.

Yes. Please describe the way in which it affects the obligation.

same as 3.3.4.

E. Are the parent with care's other personal expenses considered? (For example, work expenses, sickness/health expenses). In what type of circumstances? Are debts considered? How?

same as 3.3.4.

3.3.7 These questions deal with how the Court takes account of the parent with care's family relationships in determining whether there is an obligation and its amount.

A. Is the obligation affected by whether the parent with care has a new partner? How is the obligation affected? Do a new partner's resources (income) matter? How? Does a new partner's own child (the parent with care's stepchild) matter to the obligation? How?

Same as 3.3.5.

B. Is the obligation affected by whether the parent with care had children prior to this relationship? In what way?

Same as 3.3.5.

C. Is the obligation affected by whether the parent with care has a new child that she lives with? In what way?

Same as 3.3.5.

3.3.8 These questions deal with how the Court takes into account the amount of time the non-resident parent spends with the child in determining whether there is an obligation and its amount.

A. If a child will spend approximately equal time living with each parent, how would this affect the maintenance obligation?

In cases where the child spends approximately equal time living with each parent, normally no Child Maintenance is paid. Instead, each parent are expected to take responsibility of the child's current working living expenses. Besides these expenses,

there are some fixed expenses, such as clothes, child care fees and so forth. These costs are divided by voluntary agreements. In some circumstances, for example when one of the parents have a relatively good financial situation whereas the other parent lives under relative harsh financial conditions, the relatively wealthy parent may be judged to pay a larger part of the child's living expenses. If parents cannot agree voluntarily, they may seek consultation and mediation from lawyers.

- B. If a child will not spend equal time living with each parent, would the amount of time spent with the non-resident parent affect whether there is an obligation and its amount? How?**

Yes, the time spent with the non-resident parent may lower the amount of Child Maintenance. If a parent is paying Child Maintenance, it is possible to make a deduction on the amount paid each time the child is staying with the non-resident parent. Deductions are possible if the child has stayed at least five days and nights without interruption with the non-resident parent or if the child has stayed at least six days and nights during a month with the non-resident parent. Generally, the deduction amounts to 1/40 of the Child Maintenance for each day and night per month. Normally, days when the non-resident parent receives and delivers the child do not count.

3.3.9 These questions deal with the way the obligation relates to characteristics of the child/children and special expenses for them in determining whether there is an obligation and its amount.

- A. Does the child's age affect the amount of the obligation? If yes, what are the age groups? Do obligations increase or decrease with age?**

Yes, since older children are expected to have greater needs than younger children, see 3.3.2, above.

- B. Does the number of children affect the amount of the obligation? How?**

Yes, since other children for whom the non-resident parent are financially responsible lowers the financial excess of the non-resident parent.

- C. Is there a minimum desirable amount set per child?**

Yes, see 3.3.3, above.

- D. What other characteristics of the child/children can affect the amount? (An example may be a child with a disability).**

Other personal characteristics that impact the child's need for financial support, such as child care expenses, disability, sickness and so forth.

- D. What expenses for children can affect the amount of the obligation? (For example, child care expenses, school expenses, special health expenses, etc.)**

See 3.3.9, D above.

3.3.10 These questions deal with the way the obligation is related to other financial circumstances of the parents. (Please note that we are only interested in these issues as they relate to child maintenance.)

- A. Please explain how the Court treats owner-occupied housing owned by parents, and other assets, such as land and vehicles, in making decisions about regular child maintenance.**

Generally, it does not affect Child Maintenance, as long as the non-resident parent pay the agreed or judged amount. If Child Maintenance is not paid, the parent with care can turn to the Enforcement Service or to the Regional Social Insurance Office. The former may force the non-resident parent to sell property and assets if he refuses to pay. The latter can grant Advance Maintenance.

B. Please explain how the Court treats other financial transactions and settlements that may be made in making decisions about regular child maintenance. We include here:

- **lump sum payments**

not generally considered

- **previous voluntary child maintenance payments**

lowers the financial excess of the non-resident parent

- **spouse maintenance (alimony) or other financial transfers to ex-partners**

lowers the financial excess of the non-resident parent. Not that common in Sweden.

- **transfer of pension rights**

Not applicable in Sweden

3.4 PROBLEMS AND REVISIONS FOR COURT DETERMINATIONS

3.4.1 Please discuss any problems that arise in gathering information necessary for the Court to determine maintenance, and how such problems are dealt with.

Generally not a problem since most information needed (such as income and assets) are registered in Sweden.

3.4.2 Approximately how long does it usually take for the Court to make the financial decisions about child maintenance?

It takes at least two months, usually longer.

3.4.3 When does obligation for and entitlement to Court-determined child maintenance end for divorced and separated parents and their children?

Please explain with reference to:

- **child's age/education level**

18 years or 21 years (if in education)

- **marriage/cohabitation of childhvj**

Found no information, will add this to you in an e-mail

- **any other characteristics of child**

The Child has significant income

- **cohabitation/remarriage of parent with care**

Generally no effect, but may if special circumstances prevail lower the Child Maintenance amount.

- **cohabitation/remarriage of non-resident parent**

Generally no effect, but may if special circumstances prevail lower the Child Maintenance amount.

- **any other characteristics of either parent.**

Generally none, but significant changes in income may impact the level of Child Maintenance.

3.4.4 These questions deal with revisions to the amount due.

A. Does the Court do an automatic adjustment of existing obligations? If so, what adjustment mechanism is used? (An example would be updating annually to take account of inflation.)

1 February each year, Child Maintenance is increased for inflation. For those who have agreed with the Regional Social Insurance Office to administer payments, indexation is done automatically. In other cases, parents must index the amount themselves. Parents receive information about indexation from newspapers and television. Also the local Social Welfare Agencies and the Regional Social Insurance Office provide information about indexation. In individual cases, the court may decide that a special indexation of Child Maintenance should apply. Special indexation procedures can also be included in the written voluntary agreement established by the two parents.

B. If there is not an automatic adjustment, is there a regular review? How often? What criteria are used to determine if the obligation should be changed?

See 3.4.4, above.

B. Can all parents (parents with care and non-resident parents) request an adjustment? If not, are there any types of parents who can? What factors are considered in whether an adjustment is made?

If nothing else have been agreed upon or if the court has not decided that special arrangements should apply, parents with care have the right to yearly adjustments for inflation.

Irrespective of whether Child Maintenance has been decided in court or in voluntary agreements, parents may agree to write a new contract, for example when the non-resident parent is becoming financially responsible for an additional child or when income has changed significantly. If parents cannot come to an agreement, each parent may turn to the court to revise the Child Maintenance amount, either in an upward or downward direction, if there is significant changes in circumstances. If Child Maintenance has not been revised during a six year period (except adjustments for indexation), each parent may turn to the court for a revision although there is no significant change in circumstances.

3.5 AGENCY DETERMINATION OF CHILD MAINTENANCE

This section seeks detailed information about child maintenance determined by agencies or organisations other than the Court. In some countries there are no such agencies involved in the determination of child maintenance liabilities and entitlements, because such matters are handled solely by the Court. If this applies to your country, please go straight on to Question 3.7.1. If agencies are involved, please provide copies of formulae, standards, schedules, tables or guidelines as appropriate in addition to answering the questions below. If the agency uses discretion to address any of the questions below, please discuss the criteria that are typically taken into account. As you answer questions in this section, please remember that we are interested in three groups of parents (separated married parents, separated cohabitants, and parents who have never lived together).

3.5.1 Please explain how lawyers, agencies or organisations are involved in mediating, supporting or helping parents involved in Agency decisions about regular child maintenance. Does this differ for separated married parents, separated cohabitants, and parents who have never lived together?

Not applicable, court based system.

3.5.2 How would you describe the main method of Agency determination of the amount of maintenance on the following continuum:

- Full discretion
- Mostly discretion, but with informal guidelines
- Formal guidelines
- Rules/rigid formulae

If more than one method is used, please describe the circumstances that could lead to different methods.

Please report any differences between separated married parents, separated cohabiters, and parents who have not lived together.

3.5.3 Is there a minimum amount of maintenance required?

- No
- Yes. How much? What are the circumstances in which it is used?

If there is a maximum, please also provide information on its level and the circumstances in which it is used.

3.5.4 These questions deal with how the Agency takes account of the non-resident parent's resources in determining whether there is a child maintenance obligation and its amount.

A. How much of the non-resident parent's earnings are considered?

- All
- Some (explain)
- None (go to 3.5.4 C)

B. If some or all of the non-resident parents earnings are considered, is this based on gross or net earnings?

- Gross
- Net (What is deducted?)

C. Are other sources of income (for example, benefit income, asset income, etc.) of the non-resident parent considered?

- All ignored
- All considered
- Some ignored, some considered. Which ones?

- D. Are the non-resident parent's basic living expenses taken into account?
- ___ No
- ___ Only in certain circumstances. Please describe the circumstances in which this would occur and the way in which it affects the obligation.
- ___ Yes. Please describe the way in which it affects the obligation.
- E. Are the non-resident parent's other personal expenses considered? (For example, work expenses, sickness/health expenses). In what type of circumstances? Are debts considered?

How?

- F. Are any allowances made for expenses involved in maintaining a relationship with the child? (For example, consider transportation, housing, etc.) How are these expenses considered?

3.5.5 The following questions deal with how the Agency takes account of the non-resident parent's family relationships in determining whether there is an obligation and its amount.

- A. Is the obligation affected by whether the non-resident parent has a new partner with whom he lives? How does it affect the obligation? Do a new partner's resources (income) matter? How? Does a new partner's own child (the non-resident parent's stepchild) matter to the obligation? How?
- B. Is the obligation affected by whether the non-resident parent had prior children? In what way?
- C. Is the obligation to the children affected by whether the non-resident parent has a new child that he lives with? In what way?
- D. Is the obligation to the children affected by whether the non-resident parent has a new child that he does not live with? In what way?

3.5.6 These questions deal with how the Agency takes account of the parent with care's resources in determining whether there is an obligation and its amount.

- A. How much of the parent with care's earnings are considered?
- ___ All
- ___ Some (explain)
- ___ None (go to 3.5.6 C)

- B. If some or all of the parent with care's earnings are considered, is this based on gross or net earnings?**
- ___ Gross
- ___ Net (What is deducted?)
- C. Are other sources of income (for example, benefit income, asset income, etc.) of the parent with care considered?**
- ___ All ignored
- ___ All considered
- ___ Some ignored, some considered. Which ones?
- D. Are the parent with care's basic living expenses taken into account?**
- ___ No
- ___ Only in certain circumstances. Please describe the circumstances in which this would occur and the way in which it affects the obligation.
- ___ Yes. Please describe the way in which it affects the obligation.
- E. Are the parent with care's other personal expenses considered? (For example, work expenses, sickness/health expenses). In what type of circumstances? Are debts considered? How?**

3.5.7 These questions deal with how the Agency takes account of the parent with care's family relationships in determining whether there is an obligation and its amount.

- A. Is the obligation affected by whether the parent with care has a new partner? How is the obligation affected? Do a new partner's resources (income) matter? How? Does a new partner's own child (the parent with care's stepchild) matter to the obligation? How?**
- B. Is the obligation affected by whether the parent with care had children prior to this relationship? In what way?**
- C. Is the obligation affected by whether the parent with care has a new child that she lives with? In what way?**

3.5.8 These questions deal with how the Agency takes into account the amount of time the non-resident parent spends with the child in determining whether there is an obligation and its amount.

- A. If a child will spend approximately equal time living with each parent, how would this affect the maintenance obligation?

- B. If a child will not spend equal time living with each parent, would the amount of time spent with the non-resident parent affect whether there is an obligation and its amount? How?

3.5.9 These questions deal with the way the obligation relates to characteristics of the child/children and special expenses for them in determining whether there is an obligation and its amount.

- A. Does the child's age affect the amount of obligation? If yes, what are the age groups? Do obligations increase or decrease with age?

- B. Does the number of children affect the amount of obligation? How?

- C. Is there a minimum desirable amount set per child?

- D. What other characteristics of the child/children can affect the amount? (An example may be a child with a disability).

- E. What expenses for children can affect the amount of the obligation? (For example, child care expenses, school expenses, special health expenses, etc.)

3.5.10 These questions deal with the way the obligation is related to other financial circumstances of the parents. (Please note that we are only interested in these issues as they relate to child maintenance.)

- A. Please explain how the Agency treats owner-occupied housing owned by parents, and other assets, such as land and vehicles, in making decisions about regular child maintenance.

- B. Please explain how the Agency treats other financial transactions and settlements that may be made in making decisions about regular child maintenance. We include here:**
- lump sum payments
 - previous voluntary child maintenance payments
 - spouse maintenance (alimony) or other financial transfers to ex-partners
 - transfer of pension rights.

3.6 PROBLEMS AND REVISIONS FOR AGENCY DETERMINATIONS

3.6.1 Please discuss any problems that arise in gathering information necessary for the Agency to determine maintenance, and how such problems are dealt with.

3.6.2 Approximately how long does it usually take for the Agency to make the financial decisions about child maintenance?

3.6.3 Please explain any circumstances in which Agency-determined child maintenance obligations are overridden by other legal requirements.

3.6.4 When does liability for and entitlement to Agency-determined child maintenance end for divorced and separated parents and their children?

Please explain with reference to:

- child's age/education level
- marriage/cohabitation of child
- any other characteristics of child
- cohabitation/remarriage of parent with care
- cohabitation/remarriage of non-resident parent
- any other characteristics of either parent.

3.6.5 These questions deal with revisions to the amount due.

A. Does the Agency do an automatic adjustment of existing obligations? If so, what adjustment mechanism is used? (An example would be updating annually to take account of inflation.)

B. If there is not an automatic adjustment, is there a regular review? How often? What criteria are used to determine if the obligation should be changed?

- C. Can all parents (parents with care and non-resident parents) request an adjustment? If not, are there any types of parents who can? What factors are considered in whether an adjustment is made?**

This ends the sections of the questionnaire that have detailed questions on the way maintenance amounts are determined in voluntary, Court-based, and agency-based arrangements. The final section of this part asks broader questions.

3.7 REVIEW AND SUMMARY

3.7.1 Please review all your answers in Part Three, “The Determination of Child Maintenance Due.” Please summarize the key differences in the ways in which separated married parents, separated cohabitants, and parents who have never lived together are treated differently. What is the rationale for these differences in treatment?

They are treated the same.

3.7.2 What are the perceived advantages associated with voluntary agreements about child maintenance, and by/for whom are these perceived? What are the perceived disadvantages and problems, and by/for whom?

The advantage for parents are generally that voluntary agreements may foster good relationships between separated parents. On the other hand, voluntary agreements may also be a result of already good relationships between parents. From the perspective of the state, voluntary agreements lower state costs, for example, because the state do not have to pay Advance Payment. If Child Maintenance is paid directly to the parent with care, the state also saves administrative costs for delivering Child Maintenance.

3.7.3 What are the perceived advantages associated with Court-based agreements about child maintenance, and by/for whom are these perceived? What are the perceived disadvantages, and by/for whom?

Advantage, agreement has legal standing. The disadvantage is that court-based agreements may go against the idea of promoting good relationships between parents. Here, an agency-based system or at least a system where certain agencies are responsible for mediating agreements is to be preferred.

3.7.4 What are the perceived advantages associated with Agency-based agreements about child maintenance, and by/for whom are these perceived? What are the perceived disadvantages, and by/for whom?

See 3.7.3.

3.7.5 Please comment on the way that voluntary agreements, Court agreements and Agency agreements interact. What happens if later a voluntary agreement breaks down? Can the parent with care seek assistance from the Court or Agency? Would they recalculate the amount of the obligation?

If voluntary agreements breaks down, parents may go to court to get an appropriate amount established.

PART FOUR: COLLECTION, PAYMENT AND ENFORCEMENT OF CHILD MAINTENANCE

This part of the questionnaire is concerned with the way in which child maintenance monies are transferred from the non-resident parent to the parent with care and/or child. For some people, this may be achieved entirely by their own arrangements, including the direct transference of monies from non-resident parent to the parent with care, or arrangements through a bank. For others, transfer of monies may involve an intermediary (for example, a collecting agency), which has responsibility for receiving child maintenance from non-resident parents, and forwarding payments to parents with care/children. We seek information on collection and forwarding, non-payment, and guaranteed or advance payment schemes.

4.1 DIRECT ARRANGEMENTS FOR COLLECTING MAINTENANCE

4.1.1 Under what circumstances may non-resident parents choose to pay child maintenance directly? We mean direct transfers of money from the non-resident parent to the parent with care or a private bank transaction.

They are free to choose this option if they want to.

4.1.2 Are these direct payments monitored, and if so, how?

No, but bank receipts may be used as evidence in court if there is a conflict concerning payments.

4.1.3 If direct payments are not made, can parents with care seek enforcement of payment? How? What steps would occur?

Yes, see 3.3.10. A, above

4.1.4 Please discuss the perceived advantages of direct payment arrangements, and the perceived problems.

One advantage of direct payments is that it lowers state administrative costs. Another potential advantage is that it can strengthen the relationship between parents in a favorable direction. One negative aspect of direct payments is that parents themselves must keep track of any evidence of payments in case of potential conflicts between parents concerning maintenance.

4.2 MEDIATED ARRANGEMENTS FOR COLLECTING MAINTENANCE

4.2.1 Is there an organisation/agency that has primary responsibility for collecting and forwarding child maintenance? Which organisation? If this is a different organisation than the agency that assesses maintenance, please provide information on its functions.

No responsibility, but the regional Social Insurance Office administres payments of Child Maintenance if parents do not wish to use direct payments.

4.2.2 Please provide information about the administrative and procedural arrangements for collecting and transferring maintenance. If you have more than one scheme, please deal with these separately. Please explain any difference in arrangements for different groups of parents (separated married parents, separated cohabittees and parents who have never lived together). Please explain any differences for whether the amount was set voluntarily, through a Court, or through an Agency.

There is no difference for various types of parents or whether there is a court decision or not. Parents contact the regional Social Insurance Office and fill in certain forms, stating what the payment is about, to whom, and from whom and so forth.

4.2.3 Please describe any types of circumstances in which payments are automatically withheld from wages (that is, prior to any problem with non-payment).

Parents may choose to automatically transfer payments to the regional Social Insurance Office from a certain bank account. Not actually withdrawn from wages prior to problems with non-payment.

4.2.4 In Section 4.4 below we ask for information on schemes that forward maintenance due in advance of collection. Other than these schemes, what is the usual timescale for delivering payments to parents with care/children?

No such scheme.

4.2.5 What are the perceived advantages of your collection and forwarding scheme(s), and what are the main problems?

One advantage is that it can solve problems with payments when there are great conflicts between parents. Helps parents keep track of evidence for payments. The downside is that it increases administrative costs.

4.3 NON-COMPLIANCE

4.3.1 For parents with mediated arrangements for collecting and transferring maintenance, we are interested in what happens when non-resident parents do not pay the amount due. Which of the following could happen?

- Attachment of earnings
- Deductions from bank accounts/savings/pensions
- Deductions from benefits, social insurance and similar benefits are counted as work income and thereby subject to withdrawal by the Enforcement Service.
- Recovery through tax, attachment of any tax returns
- Seizing and selling assets
- Driving licenses revoked
- Passport confiscation
- Criminal prosecution
- Imprisonment
- Interest charged on debt
- Other, postponement and plan for payment

4.3.2 Of the interventions marked in 4.3.1, which are most likely? Please comment on whether these typically occur in a particular sequence, that is, differentiate between any that are routinely used at the first instance of non-payment and those only used for persistent non-payment. Finally, please comment on the timing of collection interventions; how soon after non-payment would something happen? (If different types of cases have different steps or different timing, please explain.)

First, attachment of tax-returns, second attachment of earnings or withdrawal of social benefits, third seizing and selling assets. Withdrawal continues until debt is fully paid.

4.3.3 When parents with care and their children do not receive the child maintenance due to them as a result of non-compliance by non-resident parents, what steps could the parent with care take? Who would they complain to? What happens when a complaint is made? (Arrangements by which child maintenance due (or some part of it) is guaranteed by the state are covered in the next section, so do not need to be covered here.)

The parent with care would contact the Enforcement Service and fill in an order to pay a debt. Also the Social Insurance Office may contact the Enforcement Service if they administer the payment. The Enforcement Service then handles the collection of money from the non-resident parent. The non-resident parent receives a letter from the Enforcement Service which gives information about the debt to pay. The non-resident parent is supposed to sign this letter and send it back to the Enforcement Service to confirm that the order is received. The non-resident parent then has the option to pay the debt, in which the parent with care has to withdraw the order. If the non-resident parent cannot pay, one option is to contact the caring parent and come to an agreement concerning a plan of payment. If the debt is wrong, the non-resident parent has to write a letter to the Enforcement Service stating what is wrong. If payments are not made at the fixed date stated in the order, the Enforcement Service assumes the debt to be correct. The non-resident parent is then given a remark in a register, which makes it difficult for him to sign financial contracts in the future. This remark is in the register for at least five years. The Enforcement Service also decides the best strategy to collect the debt, for example by withdrawing a certain amount from the non-resident parent's wages.

4.4 GUARANTEED MAINTENANCE PROGRAMS

4.4.1 We are specially interested in schemes which forward maintenance due to the parent with care/child in advance of collection from the non-resident parent, thus guaranteeing that something is received. (We do not include here general social assistance programs available to all low-income parents.) Does your country have such a guaranteed maintenance program?

- Yes (continue)
 No (go to Part Five)

4.4.2 Please describe eligibility for the guaranteed maintenance program. For example, are all parents with care eligible, or only those in which non-payment has occurred? Is there an income test? Is this available only for those with certain court or agency agreements, or can those with voluntary agreements also participate?

See 1.1 second paragraph, above. All parents with care and where the non-resident parent does not pay Child Maintenance are eligible for Advance Maintenance. Those who receives below the stipulated amount for Advance Maintenance may receive Supplemental Maintenance. Advance Maintenance is not means- nor income-tested against the parent with care, but income-tested against the child. It is reduced by an amount corresponding to half the income of the child above 48000 SEK per year. No Advance Maintenance is paid when the child has an income above 76000 SEK per year.

4.4.3 Please describe the amount guaranteed. Is this a proportion of the amount owed or a flat amount? Is there a minimum or a maximum? Does the amount vary across parents? Is the amount ever adjusted (for inflation or for changes in individual situations)? Under what circumstances is it adjusted?

It is flat rate, 1273 SEK per month and Child. It is not automatically adjusted for inflation. In order to increase the amount of Advance Maintenance, a decision by the Swedish parliament is necessary. The reason for this arrangement is that automatic indexation to prices does not take into account changes in consumption in the total population. It is not indexed according to age of the child. Between 1994 and 2005 it was 1173 SEK per month. It was raised with 100 SEK in 2006.

4.4.4 We are interested in the interaction between the guaranteed maintenance program and other parts of your social benefits system. Is the guaranteed maintenance program intended to be an alternative to other benefits or is it intended to supplement them?

Advance Maintenance is counted as income for means-tested social assistance, but not for income-tested housing benefits. No other benefits for these families are means- or income-tested in Sweden.

4.4.5 Please describe the administration of the program. Who administers it? Who is responsible for recovery of the amounts forwarded?

Advance Maintenance is administered by the Regional Social Insurance Offices, who also administers social insurance and child benefits.

4.4.6 What are the perceived advantage and disadvantages of the scheme?

It secures that all children with two parents actually receive financial assistance from both parents. From this perspective, it places children on more equal financial terms. The downside is that it costs money for the state.

PART FIVE: FINANCIAL INTERACTIONS

This part of the questionnaire is concerned with the interactions between child maintenance amounts and other policies in your country.

5.1 TREATMENT OF MAINTENANCE RECEIVED

5.1.1 Do child maintenance payments received by the parent with care/child count as taxable income, for purposes of both central and local taxation? How? If, in your child maintenance regime, child maintenance is in the child's name (rather than the name of the parent with care), please explain how this income is dealt with for tax purposes. Does it matter if child maintenance was agreed on a voluntary basis, or determined by the Courts or Agency? How? Please also explain any differences in tax treatments which depend on the current marital status of the parent with care (whether married to a new partner or not).

Child Maintenance and Advance Maintenance is not subject for income taxes.

5.1.2 Do child maintenance payments received affect any social benefits of the parent with care and/or child? How? If maintenance counts as assessable income for purposes of social assistance, please explain any disregards that operate. Also, if some portion of child maintenance is retained by the government and not sent to the parent with care, please explain this as well.

Counts as income for social assistance, no disregards. Child maintenance is not retained by the government.

5.1.3 Do child maintenance payments received affect any tax benefit for the parent with care and child? Do they affect any other formal financial liability or entitlement for the parent with care and child?

No

5.2 TREATMENT OF MAINTENANCE PAID

5.2.1 How does child maintenance paid interact with the tax system, in both central and local tax regimes? Can the amount paid be deducted from income, thereby lowering tax liabilities? Does the amount paid affect any tax benefits for the non-resident parent? If there are different tax treatments according to whether the child maintenance is agreed on a voluntary basis, or determined by the Courts or Agency, please explain this. Explain any differences in tax treatments which depend on the non-resident parents' current marital status (whether married to a new partner or not).

The amount is paid from net income.

5.2.2 Does child maintenance paid (or not paid) affect any social benefits of the non-resident parent?

No, although the non-resident parent may receive financial assistance from the Social Welfare Office to reimburse Advance Maintenance.

5.2.3 Does child maintenance paid (or not paid) affect any other formal financial liability or entitlement of the non-resident parent?

No

PART SIX: COSTS AND QUANTITATIVE DATA ON OUTCOMES

The first section focuses on costs of the child maintenance regime, beginning with governmental costs of any targeted child maintenance agency (if any). We then also ask you to estimate, if possible, costs for court and agencies that may deal with assessment and enforcement. The final section asks for quantitative data on outcomes that are available in your country.

6.1 COSTS OF THE CHILD MAINTENANCE REGIME

6.1.1 If your country has an agency (or more than one agency) that is primarily responsible for assessing, collecting or enforcing child maintenance, what are its administrative costs? If possible, identify any categories of costs, either by function (costs of assessment versus enforcement) or for different types of cases. Please provide information about the types of costs included and not included (for example, whether these costs are net of any fees or any amounts retained by the government). Finally, if the amount of maintenance collected per unit of administrative cost is available in your country, please provide this information here.

No such agency

6.1.2 If your country has any child maintenance functions within the courts, please provide, if possible, estimates of the administrative costs associated with assessing, collecting or enforcing child maintenance. Note that we are interested only in the portion of court costs directly related to the assessment, collection and enforcement of child maintenance, not to divorce or separation in general.

No data

6.1.3 If your country has any child maintenance functions within an agency other than an agency primarily responsible for child maintenance, please provide, if possible, estimates of the administrative costs associated with these functions. Again, note that we are interested only in the portion of costs directly related to child maintenance, not to other benefits due to all children or even all low-income children.

No such function

6.1.4 If your country has an advanced or guaranteed maintenance programme, please provide any details of costs that are available. If possible, differentiate between administrative costs and monies paid to parents with care that are not reimbursed.

Administrative costs for Advance Maintenance in 2002 was 445 Million SEK.

Maintenance support, payments and repayments in SEK million

	Paid amount	Reimbursed	Actual State Costs
1997	4,518	1,494	3,024
1998	4,584	1,595	2,989
1999	4,591	1,695	2,896
2000	4,481	1,850	2,631
2001	4,380	1,884	2,496
2002	4,298	1,956	2,342
2003	4,127	2,228	1,979

2004	3,988	2,225	1,974
2005	3,811	2,109	1,875

Source: Social Insurance Office.

6.1.5 Please list any financial costs to parents that are associated with assessing, collecting, or enforcing child maintenance (for both parents with care and non-resident parents). For example, there may be legal fees associated with enforcement, fees for a mediator who assists with voluntary arrangements, fees charged to non-resident parents for forwarding child maintenance to the parent with care, or interest charged to non-resident parents who are behind in their payments. (We do not intend for you to include financial debt that parents with care incur because of non-payment.)

There are no fees for parents concerning administration of payments, except potential bank transfer costs if direct payments are made. There was recently a discussion about introducing a users fee of 50 SEK to partly cover the administration of the Social Insurance Office. But this fee was never implemented.

Seeking advice from lawyers costs money. If lawyers are hired for certain duration, people may receive assistance toward the financing of juridical consultation. This also applies to costs associated with the court process. Generally, the losing parent (or child) has to pay costs associated with the court process. For the child (as well as the parent) assistance toward these costs may be given through the social assistance system.

6.1.6 Are there any programs that assist parents in meeting any of these costs? Please provide a short overview of these programs and any estimates of the costs of these programs.

Rättshjälp	366	304	224	234	254	263
<i>Assistance with trial in million SEK current prices</i>						

Source: Swedish Statistics (SBC)

These figures refer to all assistance with trials. Assistance for parents concerning Child Maintenance is probably very low.

6.2 QUANTITATIVE DATA ON CHILD MAINTENANCE

In this section, please provide information on child maintenance outcomes. (Note that we will be conducting analyses of the Luxembourg Income Study, so you do not need to report these here.) We are interested in information collected by the government as part of the administrative records of courts or agencies, information that comes from household surveys that include questions on child maintenance, and information that comes from any other source. Please provide information from all sources that are available.

Unfortunately there is not that much published statistical material concerning Child Maintenance in Sweden. Statistics are available, but costs money to order and often needs to be prepared. This is the reason why unfortunately most questions are left blank. Somewhat more is published about Advance Maintenance.

6.2.1 Please provide the percentage of parents with care who have child maintenance agreements. Of those that have agreements, what percentage of parents have voluntary agreements; what percentage have court agreements, and what percentage have agency agreements? If you can provide these answers separately for separated married parents, separated cohabitantes, and parents who have never lived together, please do so.

The only information I found is that among women receiving Child Maintenance on behalf of their child, about 20 percent have got the amount settled in court. Among men, the corresponding percentage is zero (Social Insurance Office, 2006:7), for reference see below. The figures are from a survey.

6.2.2 What is known about the main reasons a parent with care would not have an agreement?

Parents cannot agree on the terms due to relational conflicts (Social Insurance Office, 2006:7), for reference see below

6.2.3 Please provide whatever information is available on amounts paid by non-resident parents, including the proportion paying anything, the proportion paying the full amount due, and the proportion paying part of the amount due.

No data

6.2.4 What is known about the characteristics of the non-resident parents who are not making payments or who are paying only a portion of the amount due? What is known about reasons for non-payment?

No exact reasons are known. However, parents in the Advance Maintenance system on average have much lower income than similar parents outside the system (SOU 2001:24), for reference see below

6.2.5 Is there data available on the proportion of cases in which children spend roughly equal time with both parents? What is known about the types of cases that have this type of arrangement?

Number of Children with various Advance payment arrangements.

Typ av underhållsstöd	Jan 2004	Jan 2005	Jan 2006
Full Advance Maintenance	272 000	262 000	253 000
Supplemental Maintenance	11 000	9 000	7 000
Alternate Maintenance	24 000	23 000	20 000

Note: This includes on state guaranteed Advance Maintenance. Child Maintenance not included, found no data.

Source: Social Insurance Office.

6.2.6 Consider parents with care who have an agreement in which child maintenance is to be paid. In what proportion are payments to be made directly (that is, directly from the non-resident parent to the parent with care, rather than through a collecting agency)?

According to a survey estimate by the Social Insurance Office for Kronobergs County, about 48 percent non-resident parents paid directly to the other parent. The total number of persons included was 186 non-resident parents (Social Insurance Office 2005:14).

Please provide references to any sources you consulted for this part of the questionnaire.

PART SEVEN: THE OVERALL CONTEXT

In this section we examine two topics: current topics of debate and research, and your own evaluation of how well the regime works along several dimensions.

7.1 TOPICS OF DEBATE AND RESEARCH

Most research and debate about social policy in Sweden concerns social insurance and social assistance. Here, Child and Advance maintenance have a limited role. Most research consist of government reports and evaluations. Below are the ones I have found.

7.1.1 Consider the following potential topics of research:

- **the impact of your child maintenance regime on relationships between the parents, and relationships of the parents with their children**

There are some worries that the reimbursement of Advance Maintenance in some instances may have negative consequences for the relationship between the non-resident parent and the child (SOU 2003:42). Although non-resident parents have the option of making a deduction on the reimbursement for Advance Maintenance if they have a relationship with the child, the deduction is generally not enough for low income households. There is still a financial obstacle for having a relationship with the child for these households, which impact negatively on the amount of time the non-resident parent spends with the child (Social Insurance Office 2005:1). Nevertheless, the share of children receiving Advance Maintenance and who spends time with their non-resident parent at least one time per week has increased from 27 percent to 40 percent since the early 1990s. Some of this increase may be due to more generous rules concerning deductions on reimbursements, which were introduced in 1998. The most important change was that deduction can be made also for non-resident parents staying with the child for 6 days and nights during one month.

SOU 2003: 42 "Ett reformerat Underhållssystem", The Ministry of Health and Social Affairs.

Social Insurance Office 2005.1 "Råd att umgås-en analys av umgängesavdrag inom underhållsstödet", Social Insurance Office

- **the impact of your child maintenance regime on 'new' relationships or marriages, or stepchildren**

No research found

- **the impact of child maintenance on the labour market behaviour of parents with care**

To my mind, no general issue in Sweden.

- **the impact of child maintenance on the labour market behaviour of non-resident parents**

There is no clear evidence for the impact of child maintenance on the labour market behaviour of non-resident parents. Concerns have been raised, however, that the reimbursement of Advance Maintenance implies some marginal effects for the non-resident parent, especially for households with very low incomes, which may influence labour market behaviour negatively (SOU 2001:24). The same government report also concludes that it is difficult to construct a system which emphasises the non-resident parent's own financial responsibilities without having some marginal effects on work work

effort.

SOU 2001:24. "Ur Fattigdomsfällan", The Ministry of Health and Social Affairs

- **(if there is a guaranteed maintenance program) the effect of guaranteed maintenance on non-resident parents payment of child maintenance**

Generally not a big issue in Sweden, since Advance Maintenance has to be reimbursed by the non-resident parent. Rather, it has been emphasised that the structure of Advance Maintenance may mitigate conflicts between parents, since parents not necessarily have to calculate their own amounts from scratch, but can use regulations concerning Advance Maintenance as some form of guideline (Social Insurance Office, 2005:14). There are some concerns about Supplemental Maintenance and that the rules ought to be revised so that non-resident parents have to re-pay the amount granted (SOU, 2003:42). However, this seems not likely in the nearby future. Some measures have been taken to increase private payments of Child Maintenance. One such measure is to delay payments for Advance Maintenance until the 25th each week. Another change which has been discussed is an administrative fee for Advance Maintenance. However, this proposal was not met with sympathy, and consequently not translated into law (SOU, 2003:42).

Social Insurance Office. 2005:14. "På egna ben-betalning av barnets underhåll direct mellan föräldrarna". Social Insurance Office.

SOU 2003: 42 "Ett reformerat Underhållssystem", The Ministry of Health and Social Affairs.

- **(if some or all child maintenance is retained by the state for parents with care that receive means-tested benefits) the effect of this retention on non-resident parents payment of child maintenance?**

Not applicable in Sweden

On which of these topics has there been research? What are the main conclusions of this research? Are there any other main areas of research on child maintenance in your country? Please provide citations of what you view as the 2-5 most important pieces of published research.

SOU 2003: 42 "Ett reformerat Underhållssystem", The Ministry of Health and Social Affairs.

SOU 2001:24. "Ur Fattigdomsfällan", The Ministry of Health and Social Affairs

Social Insurance Office. 2005:14. "På egna ben-betalning av barnets underhåll direct mellan föräldrarna". Social Insurance Office.

Social Insurance Office. 2004:4. "Skilda världar, en kartläggning av särlevande föräldrar, ombildade familjer och deras barn inom bidragssystemen. Social Insurance Office.

Social Insurance Office 2005.1 "Råd att umgås-en analys av umgängesavdrag inom underhållsstödet", Social Insurance Office

7.1.2 What are the current main topics of interest and debate about your child maintenance regime?

Relationships between parents and children, deductions on reimbursements, and whether some agency should be responsible for assisting parents coming to voluntary agreements on Child maintenance.

7.1.3 Please describe any impending changes in legislation, or policy developments that are likely to affect your child maintenance regime in the coming five years.

No significant impending change in legislation the way I see it. Several issues were taken care of with the new law introduced in 1997.

7.1.4 What are the public's attitudes towards your child maintenance regime? Please refer to any evidence for your replies.

Cannot find any clear evidence that directly concerns this issue. However, most parents paying child maintenance seem to be more positive than negative towards the system of Child Maintenance and Advance Maintenance. The most negative aspect revealed by parents paying Child Maintenance is lack of information about the system (SOU, 2005:14)

Social Insurance Office. 2005:14. "Skilda världar, en kartläggning av sårlevande föräldrar, ombildade familjer och deras barn inom bidragssystemen. Social Insurance Office.

7.1.5 Please describe any organised opposition in your country to the determination and enforcement of child maintenance, and the issues of contention.

There is no general opposition since most organisations and agencies seem to find the system of Child Maintenance and Advance Maintenance on the whole quite good. However, some have raised concerns about distinct parts of the system. For example, the Office of the Children's Ombudsman, which is a government agency who's aim is to supervise children's interests, argue for a clearer and more emphasised child perspective in the legislative framework, where the interests of the child should be even more pronounced. The Agency also emphasises that the level of Advance Maintenance must be significantly increased, annually increased by indexation for prices, and that the same procedures apply for the calculation of Advance Maintenance as for Child Maintenance.

7.2 YOUR EVALUATION OF THE CHILD MAINTENANCE REGIME

This section provides several criteria that one might use to evaluate the child maintenance regime as a whole. We ask for your expert assessment of areas that your regime is working well and not working well.

7.2.1 Please consider the following criteria that could be used to evaluate a child maintenance regime.

a. Maintenance is regularly provided to children and/or parents with care

performing well, most children with non-resident parents receives Child Maintenance or Advance Maintenance on a regular basis. Only about 5 percent of children with separated parents do not receive payments on a regular basis (Social Insurance Office, 2006:7).

Social Insurance Office 2006:7. "Skilda vägar. Föräldrars kunkspaer om vårdnad, boende, umgänge och underhåll." Social Insurance Office.

b. Children who need (or desire) maintenance have a formal entitlement

performing well, the right to maintenance is regulated by law.

c. Maintenance policies do not negatively influence relationships between children and their non-resident parents

d. Those in similar circumstances are treated similarly

The system of Child Maintenance performs quite well. The system is organized to be just and treat all children equally, although with room for discretion. However, since parents sometimes receive Supplemental Maintenance (on behalf of their child), the benefit which does not have to be reimbursed, although the joint financial capabilities of the two parents are high enough to meet the actual needs of the child, the system can be perceived as unjust by those non-resident parents who have to reimburse the costs for Advance Maintenance. This situation can for example happen when the caring parent has significantly higher income than the non-resident parent. It also applies for the scenario of Mr and Mrs Coast in this investigation, when child care expenses are excluded (although the court may decide a higher Child Maintenance obligation than that stipulated by the partion formula).

After the reforms in 1997, especially the introduction of more generous deductions on reimbursements, Advance Maintenance have a distributive profile which is more favourable to households with very low incomes than before. The downside is that the system of Advance Maintenance does not differentitate between different needs, such as in the Child Maintenance regulations, where payments partly reflect the age of children.

e. Those who need more child maintenance, receive more

Perform well, yes if the increased need concerns factors such as disability and sickness and so forth.

f. Parents easily understand how amounts of maintenance are calculated

Performs not well, many parents have difficulties understanding the amount of maintenance.

g. Child maintenance obligations are determined promptly

Performs not that well, since court decision may take some time. However, agreements settled by the court are quite rare in Sweden. Incitements for establishing Child Maintenance below the state guaranteed amount in Sweden is weak (SOU 2001:24). This is, for example, reflected in the low number of cases in courts, which also have decreased in recent years. Among women receiving Child Maintenance on behalf of their child, about 20 percent have got the amount settled in court. Among men, the corresponding percentage is zero (Social Insurance Office, 2006:7).

Social Insurance Office 2006:7. "Skilda vägar. Föräldrars kunkspaer om vårdnad, boende, umgänge och underhåll." Social Insurance Office.

SOU 2001:24. "Ur Fattigdomsfällan", The Ministry of Health and Social Affairs

h. Parents with care feel the amount of maintenance is adequate

No information about this.

i. Nonresident parents feel the amount of obligation is affordable given their costs of

No information about this.

j. The child maintenance regime is administered efficiently and effectively

Performs well once the amount is established.

k. Non-compliance with maintenance obligations does not add a substantial amount to governmental costs

Performs not that well. The state has substantial expenses in the form of Advance Maintenance. Furthermore, the costs for administering Child Maintenance Payments were discussed with the introduction of the new law in 1997, and has continued to be discussed since then. That's why the recent government investigation proposed an administration fee, which did not come in effect. Since then, the Social Insurance Office tries to inform parents about potential benefits of paying directly to the caring parent. This has also lowered the administrative costs.

Select one or two of these in which your assessment is that your regime is performing well. (If your assessment is that your regime works well on multiple criteria, please select the most important one or two.) In one paragraph, explain.

7.2.2 Select one or two of the above criteria in which your assessment is that your regime is not performing well. (If your assessment is that your regime does not work well on multiple criteria, please select the most important one or two.) In one paragraph, explain.

7.2.3 Is there another criteria (not listed) on which you think your regime does particularly well or is a particular problem? What? In one paragraph, explain.

This concludes Parts 1-7 of the questionnaire. If you have additional comments, please write them here:

PART EIGHT: VIGNETTES

In these vignettes, we provide a basic situation and ask the likely outcome given the child maintenance policies in your country. We then vary a selected characteristic and ask whether the outcome would differ. We then ask you to report on what would happen if various circumstances changed over time.

8.1 BASE CASE 'A': MISS FIELD AND MR HILL

Miss Field is 25 years old and has never been married. She has a daughter, Susan, who is three months old. Miss Field lives with Susan in a small rented flat in the town centre. Miss Field has not had paid work since Susan's birth, and is claiming the social benefits available to a person in her position.

Susan's father, Mr Hill, is 27 years old. He has never lived with Miss Field. He lives locally and sees Miss Field and Susan quite often. He is fond of his daughter, and remains a friend of Miss Field's, although they do not want to set up a home together. He bought baby clothes and equipment when Susan was born but he makes no regular financial contribution.

He is unemployed but sometimes takes temporary, low-paid work. He currently depends on the out-of-work social benefits available to a person in his position. He rents a small flat. He has no other children, or major financial responsibilities. He has begun to talk recently about a serious effort to re-train, possibly in engineering.

Miss Field knows he has very little money. However, she feels that, in view of Mr Hill's interest in re-training, and the possibility that he will be able to earn more in the future, she thinks it might be sensible to make a formal arrangement regarding child maintenance.

8.1.1 Please discuss the process by which decisions about child maintenance would be made in this type of case. First, explain whether Miss Field has a free choice in deciding to seek a formal arrangement.

- A. If she has free choice, please describe the options available to her in establishing a formal child maintenance arrangement. Which of these options would be most likely? What is the likely time-scale for a decision being reached if she decides to go forward?**

Mr Hill cannot pay Child Maintenance due to his low income. He receives a basic unemployment benefit which after tax is 56030 SEK per year. In addition he receives social assistance of 27012 SEK per year. His deduction for own living expenses plus the deduction for rent (3500 SEK per month), plus the 300 SEK per month which he should be able to retain after Child Maintenance is paid together amounts to 93240 SEK per year. Miss Field contacts the Social Insurance Office and is granted Advance Maintenance of 1273 per month. Mr Hill has to reimburse this Advance Maintenance to the state.

Miss Field has a Child Benefit of 12600 per year, basic Parental Insurance of 44100 per year (taxable), Housing Benefit of 38400 per year (rent 4500 per month), and Advance Maintenance of 15276 per year. She also qualifies for social assistance of 15456 per year. She pays 12312 SEK per year in tax. This yields a total net income of 113520 SEK per year. It is expected that she rents a two room apartment in a major city in Sweden.

It will take the Social Insurance Office between 30 and 30 days to administer the first payment of Advance Maintenance.

- B. If she does not have free choice, please describe what happens, explaining the likely procedures and time-scale for a decision on child maintenance being reached.**

Discuss the criteria considered in reaching decisions, referring to the information you have already provided in the questionnaire about guidelines or discretion.

I use the guidelines provided above. Average rents from Statistics Sweden are used. Miss Field is assumed to live in a two-room apartment in a major Swedish city. Mr Hill lives in a one-room apartment. Social assistance only concerns the national norms, some municipalities may grant more.

In your account please explain what further information might be needed to determine the obligation level, and how this would be collected.

Please indicate what kind of problems might arise in setting an obligation, and how these might be tackled.

8.1.2 Please discuss the outcome in terms of whether there would be a formal child maintenance obligation, and if so, the amount that would be awarded. (Please provide the amount in your own currency.) It may be necessary to introduce quantitative information or new facts into your account. For example, you may need to introduce amounts of money, for rent or living expenses, in order to demonstrate the use of standard guidelines. Please use those amounts that would be typical in your country, and explain the basis for these decisions.

8.1.3 If an obligation for child maintenance is set, please describe how monies be collected from Mr Hill? How would the money be transferred to Miss Field or Susan (if at all)?

The Social Insurance Office transfers money (Advance Maintenance to Miss Field.) The same agency collects money from Mr. Hill for the cost of Advance Maintenance according to his financial possibility to reimburse the amount due.

8.1.4 If Mr Hill does not pay, what would happen?

8.2 BASE CASE 'A', VARIANT 1: MR HILL HAS REGULAR EMPLOYMENT

We would like to understand how the outcomes would change if one of the circumstances in this case were slightly different (Variant 1).

The situation is exactly the same as Base Case A except that at the time Miss Field pursues maintenance, Mr Hill has just completed his training course, and just gotten a job at which he earns 75% of median full-time male earnings.

8.2.1 Would the maintenance obligation differ from what you reported in 8.1.2? Please

explain.

Now, Mr. Hill has an income of 207000 SEK per year (75 percent of median salary in Sweden is 17250 per month according to the Swedish Trade Union Confederation). After tax this yields a net income of 132786 SEK per year. The need of the child is 25805 SEK per Year. Deducting the Child Benefit of 12600 per year yields 13205. Miss Field does not have any financial excess. Mr. Hill therefore pays the full amount of 13205 SEK per year or 1100 per month. After this, Mr Hill has a net income of 119581, which is above his standard deduction for own living expenditures. Since the Child Maintenance paid by Mr Hill is below the Advance Maintenance, Miss Field also receives Supplemental Maintenance of 173 SEK per month.

8.2.2 Would any other outcomes likely differ? Please explain.

8.3 BASE CASE 'A', CHANGE IN CIRCUMSTANCES 1: MR HILL FINDS EMPLOYMENT THREE YEARS LATER

We now explore how your system would deal with a change in Mr Hill's circumstances. Return to the base case (Mr Hill is currently unemployed but is considering training), and assume the maintenance obligation has been set as you have described in 8.1.2.

Three years later, Mr Hill completes the training course, and accepts a job at which he earns 75% of median full-time male earnings. Miss Field feels the maintenance amount should be increased.

8.3.1 Please explain the options and procedures for adjustment to the previous child maintenance arrangement. Is it likely the maintenance obligation would change? To what? Please explain.

Yes it is likely since it is a major change in the financial situation of Mr. Hill. Miss Fields probably would contact the Social Insurance Office for Advice, who tells her to contact Mr. Hill. Either they come directly to a voluntary agreement or turn to lawyers. If they cannot agree, Miss Field may bring it to the court on behalf of her child. Most likely, if they have a good relationship, Mr. Hill informs Miss Fields about the new job and they settle for a new agreement. If Mr. Hill does not say anything to Miss Fields so that she does not know about the new circumstances, it is likely that Mr. Hill gets a call from the Social Insurance Office, who eventually will find out that Mr. Hill has much higher work income than before.

8.3.2 Would any other outcomes likely differ? Please explain.

8.4 BASE CASE 'A', CHANGE IN CIRCUMSTANCES 2: MISS FIELD FINDS EMPLOYMENT THREE YEARS LATER

We now explore how your system would deal with a change in Miss Field's circumstances. Return to the base case (Mr Hill is currently unemployed but is considering training), and assume the maintenance obligation has been set as you have described in 8.1.2.

Three years later, Miss Field finds employment. She begins to work part-time and earns median female wages for part-time work. Mr. Hill feels his obligation should be reduced if not eliminated, now that she is working.

Mr Hill still cannot pay Child Maintenance so Miss Field still receives Advance Maintenance until Mr. Hill finds regular employment. She receives the full amount, just like in the first scenario.

8.4.1 Please explain the options and procedures for adjustment to the previous child maintenance arrangement. Is it likely the maintenance obligation change? To what? Please explain.

The maintenance obligation does not change in this particular case since Mr. Hill cannot afford Child Maintenance.

8.4.2 Would any other circumstances likely differ? Please explain

8.5 BASE CASE 'B': MR AND MRS COAST

Mrs Coast is about to start divorce proceedings after having been married for ten years. The couple are in their early 40s, and have two children, Anne aged six years and John, aged nine years. Both children attend school.

Mrs Coast and the children have remained in the rented accommodation they shared when they were together, while Mr Coast has moved away to another town 100 km away where he rents a small flat.

Mr Coast has a secure job, and earns one-and-a-half median male full-time earnings. Mrs Coast has a part-time job, earning median female part-time earnings. There are no child care expenses.

Mr Coast collects both children every other weekend, and cares for them in his new home from Friday evening to Sunday evening. This involves a long journey by car (100km each way). While the children are in his home he has full financial responsibility, and has bought stocks of clothes, bedding, equipment and toys, which he keeps at his home.

Mrs Coast believes her husband should make significant child maintenance payments. She feels that most of the additional expenditure made by Mr Coast for the children (on clothes and toys) only benefits them when they are at his home. She finds she cannot meet her fuel and telephone bills. She welcomes the chance to formalise their financial situation, and believes it will be in her favour.

Mr Coast points to his additional housing expenses, his need to run a car in order to share the care of his children, and the money he already spends on their weekend stays. He does not want to be divorced, anyway, and he is bitter about what has happened. He very much wants to maintain relationships with his children, and is worried that a formal financial arrangement will be made that will leave him in financial difficulties.

8.5.1 Please discuss the process by which decisions about child maintenance would be made in this type of case. First, what are the options for formalising arrangements about child maintenance, under the circumstances described above. Explain the likely procedures and timescale for reaching a decision.

Considering the guidelines for Child Maintenance following would most likely occur. Mr Coast has a net income of 257018 SEK per year. His financial excess after deductions for living expenditures and housing is 86075 SEK per year. It is assumed he is living in a two room apartment with a rent corresponding to 4500 SEK per month. Mrs Coast has a net work income of 81450 SEK per year. She earns half median female earnings, includes also full time workers and employees. It is assumed she is living in a three room apartment with a rent corresponding to 5500 SEK per month. She does not have any financial excess.

Mr Coast 's Child Maintenance obligation corresponds to 31165 per year (2597 SEK per month). From this amount mr Coast may deduct 141 SEK per month since he has the children every other weekend. He can only deduct Saturdays since he picks up and delivers the children on Fridays and Sundays. The Child Maintenance finally established is 2456 SEK per month. Mrs Coast receives 90 SEK per month as Supplemental Maintenance.

It is also likely that the court would decide mr coast to pay a higher amount due to his significant income. On the other hand, the court would also take into consideration what mr Coast pays for the children outside the formal arrangements. From the example, he seems to spend quite a lot money on his children, so there should not be any worries that the children has to face a standard significantly below their father. However, from the recommendations formulated by the National Board of Health and Welfare, an increase of Child Maintenance should be considered if the non-resident parent has substantial financial capabilities, which seems to be the case in this scenario.

Transportation costs is generally paid by the non-resident parent if he or she is able to. This seems to be

the case in this scenario.

Most children in Sweden in pre-school ages uses child care (below seven years). Including these costs often brings Child Maintenance above the nationally established Advance Maintenance level. If Ann who is six years attend Child Care School with a fee of 840 SEK per month, Child Maintenance amounts to 3296 SEK per month. Here, no Supplemental Maintenance is paid.

Discuss the criteria considered in reaching decisions, referring to the information you have already provided in the questionnaire about guidelines or discretion.

In your account please explain what further information might be needed to determine the obligation level, and how this would be collected.

Preferable, more information would be needed concerning how much Mr Coast spend on his children besides regular Child Maintenance.

Please indicate what kind of problems might arise in setting an obligation, and how these might be tackled.

8.5.2 Please discuss the outcome in terms of whether there would be a formal child maintenance obligation, and if so, the amount that would be awarded. As before, it may be necessary to introduce quantitative information or invent new facts or life circumstances for the couple. You may need to decide how much Mr Coast now pays to rent his new flat. Please use those situations and amounts which would be typical in your country.

8.5.3 If an obligation for child maintenance is set, how would monies be collected from Mr Coast? How would the money be transferred to Mrs Coast or the children?

Either Mr Coast pays directly to Mrs Coast or it is administered by the Social Insurance Office.

8.5.4 If Mr Coast does not pay, what would happen?

If he does not pay, Mrs Coast receives Advance Maintenance. The Social Insurance Office reimburses Mr Coast for these costs.

8.6 BASE CASE 'B', VARIANT 1: CHILDREN LIVE WITH BOTH PARENTS EQUALLY

We would like to understand how the outcomes would change if one of the circumstances in this case were different (Variant 1).

The situation is exactly the same as Base Case B except Mr Coast lives in the same town as Mrs Coast and the children. The Coasts decide that the children will spend an equal amount of time living with each parent, alternating one week with Mrs Coast and one week with Mr Coast.

8.6.1 Would the maintenance obligation differ from what you reported in 8.5.2? Please explain.

Yes, normally no Child Maintenance is paid. In some situations where one parent has a relatively good financial situation, whereas the other has very low income, the court may decide that the relatively wealthy person should contribute more by paying a certain amount to the other parent on behalf of the

child. This scenario may be such a case.

8.6.2 Would any other outcomes likely differ? Please explain.

8.7 BASE CASE 'B', CHANGE IN CIRCUMSTANCES 1: MRS COAST HAS A NEW PARTNER THREE YEARS LATER

We now explore how your system would deal with a change in Mrs Coast's family circumstances. Return to the base case (Mr Coast lives in another town and has the children with him every other weekend). Assume the divorce is final and that the maintenance obligation has been set at the amount you have described in 8.5.2.

Three years later, Mrs Coast tells her husband that she has a new partner who has moved into the house. Mr Coast knows the man personally, and knows he has earnings comparable to his own. He feels that the arrival of this new partner for Mrs Coast should count in the financial decisions that have to be made during the divorce.

8.7.1 How would Mr Coast go about trying to change the obligation?

Normally, the new partner's income does not affect the obligation. However, the court may always decide differently in each particular case.

8.7.2 What would result -- is it likely the obligation would change? To what? Please explain.

My guess, is that nothing would happen. However, if it can be established that Mrs Coast abstains from full time work due to her new partner's significant earnings, there may be a case for Mr Coast to lower the Child Maintenance obligation. If Mrs Coast does not agree, he has to bring the question for the court.

8.7.3 Would any other outcomes likely differ? Please explain.

8.8 BASE CASE 'C', CHANGE IN CIRCUMSTANCES 2: MR COAST HAS A NEW PARTNER AND NEW CHILD THREE YEARS LATER

We now explore how your system would deal with a change in Mr Coast's family circumstances. Return to the base case (Mr Coast lives in another town and has the children with him every other weekend; Mrs Coast does not have a partner). Assume the divorce is final and that the maintenance obligation has been set at the amount you have described in 8.5.2.

Three years time later, Mr Coast has formed a new relationship with a woman and they have a ten month old child. He wants to maintain contact with his own children, whom he loves dearly, but his own household expenses have now gone up considerably. His new partner does not have paid work herself.

8.8.1 How would Mr Coast go about trying to change the obligation?

Now Mr Coast have the right to make a deduction for a new child and a spouse with no income. This lowers his financial excess but does not affect the Child Maintenance obligation due to his significant earnings.

8.8.2 What would result -- is it likely the obligation would change? To what? Please explain.

8.8.3 Would any other outcomes likely differ? Please explain.

This concludes the vignettes (Part Eight). If you have additional comments on either of these vignettes, please write them here: