

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.

The broadest policy objective is to share the costs of children between both biological parents. It can be argued (as I have in an article from 2004) that the emphasis of child support policies has changed since the first (reasonably efficient) scheme in 1915: initially, the main ambition was to combat child poverty and to encourage responsibility from non-resident fathers. In the most recent debates, the emphasis on child poverty – or indeed on the duty to provide for children at all – was almost completely absent from the debate. Rather, the arguments focused on continuous care from both parents. The main concern was no longer to *force* fathers to take financial responsibility, but rather to *encourage* them to care for their children after the break-up.

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

Child maintenance was determined solely by discretion until 1989. This was the responsibility of the Fylkesmann (the state administration at the county level, the county governor). By the late 1980s, however, the number of parents breaking up were so high, the workload on the Fylkesmann became unbearable. There was a call for more standardised rules which would limit the need for discretion. Such rules were introduced in 1989, determining that non-resident parents should pay 11% of his gross income for one child, 18% for two, 21% for three and 28% for four or more children. If the non-resident parent had a child with a new partner, this child was to be taken into account in the assessment (thus if he paid for one child and had a new child by a new partner, 18% of his gross income was “earmarked” for his children, of which half – 9% - was payable as maintenance). These rules quickly came under attack for being inflexible and unreasonable. In particular, non-resident parents argued that costs of contact, as well as the income of the PWC, ought to be taken into account. A new model was presented in 1996, and was implemented – with a few modifications – in October 2003.

Under the 1989 rules, child maintenance received was taxable, while maintenance paid was tax deductible. Moreover, if the custodial parent was in receipt of transitional allowance (the main social benefit for lone parents in Norway), the National Insurance could claim a share of maintenance payments above a certain level. Under the 2003 system, child maintenance is irrelevant for all tax and benefit purposes. This was done to make it easier for parents to reach private agreements, and to underline the principle that this is private law.

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)

On administrative responsibility: The responsibility for child maintenance assessments was transferred from the Fylkesmann to the National Insurance in 1992. The move was uncontroversial, and motivated

by efficiency concerns. The Fylkesmann was the body that dealt with separation and divorce petitions, while the National Insurance paid out forwarded maintenance and other benefits to lone parents. When child maintenance was no longer to be determined individually by discretion, it became more of an administrative procedure that was seen as separate from the divorce proceedings, and it was considered more practical to transfer it to the National Insurance. This is where responsibility still resides, and there is currently no debate on this issue.

As for the debate on the 2001 principles (fully implemented in 2003) – the following is an excerpt from my article “The New Family’s Vulnerable Vanguard”, *Social Policy and Society* 3(1):11-19:

The 2001 reform was preceded by two consultation documents (in 1996 and 1999) and a relatively comprehensive white paper (Ot.prp. no. 43 (2000-2001)). In all these documents, a central keyword was *modernisation*. It was argued that the existing system assumed a strict division of labour within marriage – the father as the earner, the mother as the carer – which was out of pace with people’s lives. In modern-day Norway, the argument went, parents share earning and caring responsibilities, and this should be mirrored in child maintenance legislation. Most importantly, rules regulating family life after the parental break-up should encourage continued involvement from fathers.

The latter point was crucial when the new maintenance system was debated in the Parliament. In this debate, the issue was contextualised within the overall policy geared towards promoting equality within the family, and there was little opposition to this framing of the issue. The new child maintenance system was linked to recent developments in family policy, in which the Labour party had been a driving force. Labour representatives were eager to complete the policy framework. Labour representative Jon Olav Alstad made this point strongly:

The political agenda changed in many ways in the mid-1990s. Then we had tried for several years, using carrots and sticks, to make more men take responsibility in the home and for the care of their children. This happened, of course, because a political majority found it important for children to have two parents. [This policy] has implied that far more men now participate in their children’s lives. ... Therefore it is only natural that we now create a system that aims at making both parties responsible for the financial provision for their children, and at the same time enables and stimulates both parents to take responsibility for their children after the break-up. The present arrangement actually contributes to the undermining of this aim, and there can be no doubt that the majority in this assembly find that not to be in the best interest of the child (Jon Olav Alstad, Labour, St. forh. 6. June 2001, p. 692-3).

Labour was far from alone in taking this position. The conservative spokesperson for the Standing Committee on Family, Culture and Administrative Affairs made a similar point:

The committee emphasises the need for a maintenance model that all parties will perceive as reasonable and just, and which makes sure that both parents will share the care and upbringing of children as reasonably as possible. (Trond Helleland, Conservative, Spokesperson for the Standing Committee on Family, Culture and Administrative Affairs. Op. cit. p. 690).

Both these representatives downplayed the importance of financial provision, and instead highlighted the sharing of “care and upbringing”. Jon Olav Alstad actually went a long way in saying that provision for children is not a central part of parenting: fathers have been encouraged to spend more time with their children, he said, because it is recognised that “it is important for children to have two parents”. This is a far cry from the traditional, “male breadwinner” concept of responsible fatherhood, in which putting food on the table was perhaps the most central task. The most important thing the child maintenance system should do, was to encourage continued extensive contact with the child by both parents. And, as Jon Olav Alstad and others made clear, the existing maintenance system could be seen as undermining this aim.

It was suggested in the parliamentary debate that the efforts to promote the gender-neutral family had hitherto been somewhat one-sided: that the feminist claim for “gender equality” had in fact been a rallying cry for women’s interests rather than a genuine call for equality. Women had demanded equality in most arenas, while still clinging to their privileges in relation to children. Now was the time to rectify some of the injustices men experienced. Fathers should have as big a place in

children's lives as mothers, in the best interest of themselves, mothers and – most importantly – the children.

For me as an old equal rights-activist from the early 1970s it is entirely natural... to support and encourage fathers to participate in their young children's lives in every possible way. We fought for this, and in this respect the world has moved several steps in the right direction. ... Fathers are taking more responsibility and, as a consequence, increasingly demand their rights. Then we have to back them up. (Oddbjørg Ausdal Starrfelt, Labour, St. forh. 6. June 2001, p. 700).

By stimulating the equal contact with both parents for the children, one can also hinder that one parent is pushed aside and no longer has the strength to keep fighting for continued contact with his or her children, which is a considerable loss for the children (Per Sandberg, Progress Party, op. cit. p. 694).

The representative from the right-wing populist Progress Party went furthest in portraying non-resident fathers as the miserable losers of post-breakup settlements. He was also the only one who suggested that mothers, or "women", might have an interest in stalling the new child maintenance system. He began his speech by complaining "*this case...has been quite unusually delayed. Who should be made responsible for [this], is hard to say*" (op.cit. p. 693). Towards the end of the debate, however, he got sufficiently worked up to make clear where the responsibility lay: "*it is typical that in the committee, there is a certain women's guerrilla who oppose this proposal*" (Per Sandberg, Progress Party, op. cit p. 701).

The opposition, made up of the Centre party and the Socialist Party, chose to emphasise their concern for child poverty. Importantly, they pointed out that the estimates for costs of children, so prominent in the new proposal, allowed only for a "reasonable" to modest standard of living. This would in many cases imply that children would experience a clear fall in their standard of living when their parents split up. Moreover, the fixed amounts did not allow for variations in living expenditure in different parts of the country. The Socialist party in particular argued that the real winners under the new system would be non-resident parents with higher incomes:

What should concern us, is that we must not create an arrangement which will lead to more child poverty. ... Those who become winners in the new system, those who have their maintenance awards reduced... are liable parents with higher incomes. That is an absolute fact, I assume. And this is not a coincidence; this is a systematic bias (Rolf Reikvam, Socialist party, op. cit. p. 699).

These arguments were brushed aside, and with a remarkable line of reasoning. "*This is not a proposal to end poverty in Norway*", the Minister for Children and Family Affairs asserted.

To calculate who become financial winners and losers I'll leave up to those who find that kind of thing important. For the Labour party the important matter has been to develop a system where children are put first and have the opportunity to maintain contact with both parents after the break-up,

her fellow Labour representative added (Jon Olav Alstad, op.cit. p. 692).

Concerns about the distribution effects of the new system were mainly ignored, or written off as petty and irrelevant. The majority emphasised that the "worst off" custodial parents were secured by the continued forwarding arrangement. As long as a certain base level was secured, they saw no need for a further debate on financial outcomes. What mattered was not the distribution of money, but rather the principles according to which the distribution should happen. Child maintenance played a symbolic role in a bigger package that consisted of custody and contact arrangements as well as financial settlements. The majority in the Parliament seemed to assume that if only the principles were just, fair distribution would follow.

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

(I assume you refer to the 2003 change in the formula, not the 1992 transfer of responsibilities):

- Limiting public expenditures
- Enforcing obligations to biological children
- Reducing child poverty
- Influencing relationship formation and dissolution behaviour
- Influencing employment of lone parents
- Increasing voluntary arrangements for maintenance
- Other (please describe briefly)

The White Paper (Ot. Prp. nr. 43 (2000-2001) lists three main ambitions for “a child maintenance system suited for a modern society”

- the child’s economic needs should be shared between the parents as equally and justly as possible (ambition: legitimacy, gender equality)
- both parents should be encouraged to continue caring for the child (ambition: influence dissolution behaviour)
- it should be easy to agree in child maintenance amounts privately (ambition: increasing voluntary arrangements for maintenance, make parents more responsible) (there were few if any savings for the state here, thus it is not reasonable to interpret this ambition as a covert attempt to limit expenditure).

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)

Divorce and separation petitions are sent to the Fylkesmann. Divorce is only granted by court in extreme cases, such as bigamy or severe abuse.

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

Married couples who wish to split up, fill in a separation petition and send it to the Fylkesmann. It is sufficient that one of the parties want the divorce, and no grounds are needed. After one year of formal separation, the parties (or one of the parties) can petition for divorce.

Married couples with children under 16 must have at least one session with a family councillor before finalising the divorce. Such "mediation" can take up to three sessions – if parents want or need more, they must make a regular appointment with the family counselling service. Mandatory mediation shall not try to save the relationship, but rather ensure that the parents have thought through arrangements for the child. Child maintenance issues can come up in these sessions, but most mediators will avoid making it a main issue since there is another system in place for parents who argue over maintenance.

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?

The starting point is that child maintenance is a private matter that the parents should decide on between themselves. There is only one restriction on this freedom to enter private agreements: if the PWC receives forwarded maintenance, the award must be equal to the forwarded amount or higher if the NRP can afford it. This restriction is based on the National Insurance's right to get the money back: the NI should not subsidise payments for parents who can afford to pay.

If the parents cannot reach a private agreement, either party can ask the National Insurance to make the decision for them. This is now considered a public service, for which the parents pay NOK 860 each.

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.

Unmarried couples with joint children may seek counselling similar to that of married parents described above, but this is not mandatory. Generally, there is no procedural framework in such cases – they are free to split up with no public intervention.

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?

As for married couples: the decision is private, but parents can ask the National Insurance to make the decision if they cannot agree.

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

Paternity shall be established before the child is one year old. Obviously, this is normally a very simple procedure: the mother names the father, and the father acknowledges paternity in writing. If the parents lived together at the time of birth, the father can acknowledge paternity and become the child's legal father without the mother's consent.

Paternity disputes are dealt with in court. Such cases can be raised by the child (after reaching maturity, or with the help of a guardian), either legal parent, or by a man who believes he is the child's biological father. If a cohabiting man has acknowledged paternity when the child was born (or shortly afterwards), and this is communicated to the population register (as it must be in order to be valid), he will have to raise a paternity case in court in order to have this changed. Paternity in such difficult cases is normally determined by DNA-analysis.

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?

As for married couples: : the decision is private, but parents can ask the National Insurance to make the decision if they cannot agree.

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.)

As for couples who live together without being married, fathers in such situations must acknowledge paternity in writing. His declaration will only be accepted if it is confirmed in writing by the mother, or if the man who acknowledges paternity is the same man who is named by the mother.

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

As for cohabiting couples: if a man has acknowledged paternity but later changes his mind (or the mother changes her mind, or a third party claims paternity), this must be dealt with in court.

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 categories are not only allowed, but encouraged to make private agreements.

The only circumstance in which public authorities will intervene is where the PWC receives forwarded maintenance, the parents have agreed on a sum smaller than the forwarded amount, and the National insurance suspects the NRP could afford to pay more. In such cases, the National insurance can raise the amount that is to be reclaimed.

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.)

With the exception outlined above, parents can agree on any amount. This is not to be approved by anyone else.

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.

Courts only deal with this if the couple/ family is already involved in a court case on parental responsibility, residence arrangements for the child, or contact. In such cases, the court can make a child maintenance ruling as part of its decision. When it does, it will use the same formula as the National Insurance uses (see below) as a guiding principle. Courts thus play a very residual role.

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.

The relevant agency is the National Insurance. They will determine the amount payable if either party asks for it, at a fee of NOK 860 per determination. The National Insurance is also responsible for forwarding maintenance, and for the payment of all benefits for lone parents. If the PWC wishes, the National Insurance (through the National Maintenance Payment Collection Centre*) can also claim maintenance on his/ her behalf. This can be done also if the parents have agreed on the amount privately. It is only the determination of the amount that is charged; forwarding and reclaiming are services free of charge.

* In previous studies/ publications, I have referred to this as the Maintenance Contribution Collecting Agency, but apparently, the National Maintenance Payment Collection Centre is the official name in English. This is an executive body of the National Insurance that deals with forwarding and reclaiming only. It will not determine payable amounts, and has nothing to do with the payment of other benefits.

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 cohabittees 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?

Child maintenance is the child's right, irrespective of the marital history of the parents and how the award was determined. However, for as long as the child is under 18, maintenance is paid to the guardian, who is normally the PWC.

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?

As mentioned, this can come up as part of the mediation that is mandatory for divorcing couples with children. However, most mediators will avoid making this a main point in the mediation, since there are other procedures in place for parents who need help with the maintenance assessment.

The National Insurance's web-site features a "child maintenance calculator", into which the parents can feed all the relevant information and have the award automatically generated. The calculator is only available in Norwegian, and can be found at <http://bidragsveileder.trygdeetaten.no/bidragsveileder/servlet/dispatcher/>

If the parents don't have internet access or for other reasons do not want to use the calculator, they can ask for help at the local National Insurance office. This is free of charge. I imagine only the very rich will hire a lawyer to help them with this. Disputes are not in any case to be solved in court.

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

Then either (or both) party can appeal to the National Insurance, and they both pay the NOK 860 fee.

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 cohabitees, 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 cohabitees, and parents who have never lived together?

Courts have an extremely residual role in this, as outlined above. Moreover, in the few cases courts deal with child maintenance (as part of a larger settlement), it is bound to use the same formula as the National Insurance. I therefore move on to the next section.

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

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 cohabitants, and parents who have not lived together.

3.3.3 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.

3.3.4 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)

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?

3.3.5 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?
- 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?

3.3.6 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)

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?

3.3.7 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?

- 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?

3.3.8 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?

- 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?

3.3.9 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?

- B. Does the number of children affect the amount of the 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.)

3.3.10 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.
- 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
 - previous voluntary child maintenance payments
 - spouse maintenance (alimony) or other financial transfers to ex-partners
 - transfer of pension rights
-

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.

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

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
- § 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.

3.4.4 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.)
- 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?

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?

I don't know of any such bodies who help parents who are involved with the National Insurance on child maintenance issues. The rules are quite detailed and straight-forward (albeit very complex); when the parents have left the decision to the National Insurance, there simply is little to discuss.

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 cohabitants, and parents who have not lived together.

There are no such differences.

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.

The child maintenance award per child per month shall not exceed five times the forwarded amount, that is, NOK 6.250.

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.

It is a rule that after maintenance is paid, the non-resident father should have enough money left over to cover his own basic living expenses, as calculated by the State institute for Consumer Research (see below).

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?

The standard rules do not allow for this. I would guess, still, that major health expenses can be taken into account in certain circumstances. This would depend on the caseworkers discretion (I haven't found anything about this in the guidelines, through, thus the short answer is no, these things are not relevant).

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?

There is a deduction for contact, as explained below.

Also, since 1997, parents have been required by law (the Children Act) to share travel costs between them. If the parents have roughly the same income, they split the costs 50/50. If one parent makes twice as much money as the other (that is, 2/3 of their total income), he pays 2/3 of the travel costs, and so forth. This is not part of the child maintenance legislation, but a separate section of the Children Act.

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?**

New partners and step-children are irrelevant for the calculation of child maintenance. Having a new partner however changes the amount the NRP can claim for his own up-keep: if the NRP lives alone, he shall have NOK 6756 per month for his own expenses, plus NOK 4556 for his housing expenses (total NOK 11.312). If he lives with another adult, he shall retain minimum NOK 5.720 for his personal expenses plus NOK 3.040 for housing (total NOK 8.760).

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

No

- 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?**

No – but note that in both B and C, if the non-resident parent has a biological child living with him, their living costs are considered when his ability to pay is determined. In addition to his own personal expenses and housing costs, he shall retain NOK 1.960 per month if living alone, or NOK 980 if living with a partner, for each of his own biological children living with him.

- 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?**

No – except, again, if his total maintenance liability leaves him with too little to provide for himself and any biological children living with him.

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?

No.

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?

No

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

No

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

No

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?

Unless one parent makes much more money than the other, maintenance is not paid in such cases. This is not a special rule, but rather follows from the general formula with its deduction for contact.

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?

The amount of time spent with the non-resident parent influences heavily on the amount payable. There is a deduction for contact, varying with the child's age (all amounts in NOK per month):

The child's age	0-5 yrs	6-10 yrs	11 yrs+
No, or minimal, contact	0	0	0
2-3 nights, or 2 or more days per month	180	250	340
4-8 nights per month	605	825	1.120
9-13 nights per month	840	1.155	1.560
14-15 nights per month	1.055	1.450	1.960

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?**

The starting point for the maintenance assessment is the costs of maintaining a child. It is assumed that these costs vary with the child's age, increasing for older children:

(all amounts in NOK per month)

The child's age	0-5 yrs	6-10 yrs	11 + yrs
Consumption	2.980	4.040	5.260
Share of housing	890	890	890

As seen in 3.5.8B, the deduction for contact also increases when the child grows older.

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

No, the assessment is made separately for each child.

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

The non-resident parent should pay "his (or her) share" of the cost of the child. Together, the parents should be able to pay what it is assumed to cost to maintain a child.

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

Special additions can be made. This is based on discretion – or the parents can organise it privately.

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

Child care expenses are taken into account, using standardised rates: a nursery placement is assumed to cost NOK 470, a place in an after-school facility NOK 190 (net of the child-care benefit, that is payable to lone parents). These are deducted from the PWC's income. Other expenses are not covered by the standard rules, but extra awards can be added on a discretionary basis if there are clear arguments in favour of this.

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.

None of these are relevant.

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.

Again, not relevant.

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.

Parents liable to pay child maintenance will sometimes try to disguise some of their incomes. This is particularly problematic when the parent in question is self-employed. The liable parent, as well as his/her employer (if there is one) is obligated to provide the Agency [the National Maintenance Payment Collection Centre] all the information the Agency requests. The Agency can request all data about the parent's finances from the tax records, and/ or from his/ her bank or insurance company. The powers of the Agency are wide in this respect.

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

Normally, less than two months. The maximum is six months.

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

I can think of no such circumstances. But if the parents agree, they can at any point in time withdraw the National Insurance's decision and make their own agreement.

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.**

The duty to pay maintenance normally ends when the child turns 18. If the child is in high school by the time he or she turns 18, the PWC can apply for maintenance until the child has finished school. The child's marriage/ cohabitation does not alter the duty to maintain, nor does remarriage or cohabitation of either parent. If the child is in employment and makes enough to provide for him/ herself (earns more than 100 times the forwarded amount, that is, NOK 125.000), the NRPs duty to maintain is however suspended. With this exception, the duty to pay maintenance is practically absolute until the child turns 18.

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.)

The amounts are updated annually in line with the consumer price index, as calculated by Statistics Norway. Between January 2005 and January 2006 the consumer price index increased by 1,8 per cent, thus all maintenance awards were increased by 1,8 per cent from 1st July 2006.

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?

Contrary to what most parents seem to believe, awards are not updated automatically as the child grows older. The calculated costs of children increases as the child moves from one age category to the next (see 3.5.9.A), but this updating is not automatic: if parents want this to happen, they must apply for it, and pay the NOK 860 each fee again. So no, there are no regular reviews of the individual cases.

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?

Either parent can request an adjustment, but at a cost every time (the fee). The National Insurance will not make minor adjustments in the award, but change it only when this leads to a change of more than 10 per cent.

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?

There is no difference in treatment. In Norway, parenthood and partnership are seen as independent relationships, thus all parents have the same obligations towards their children regardless of their marital history. There are only minor differences in the determination of paternity (automatically assumed in most cases when parents are married, by declaration when they are not married), and also, in that divorcing couples with children *must* attend mediation while other couples *may* do so.

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 Ministry expresses a very strong wish to have more voluntary/ private agreements in this area. The main arguments are that private agreements are more flexible, and will be more legitimate because the parents themselves have thought through the issues and made their own decision, tailored to their situation.

Nevertheless, about 75 per cent of all parents ask the National Insurance to make the decision for them. A small-scale study by the National Insurance’s research division tried to identify the factors that kept people from making their own agreements, and found three main reasons (Source: Trygdeetaten, rapport 7/2005)

- some asked for an Agency determination to ease a conflict with the partner,
- some found the rules too complicated,
- some simply wanted a third party to make the decision for them.

Similarly, the reasons for choosing a private agreement:

- parents thought child maintenance was a private matter
- they wanted a higher or lower amount than what an Agency determination would give,
- they wanted to ease a conflict with the partner.

This survey had a very low response rate (31 percent), which implies that little more information can be gathered from it. We see, however, that “easing a conflict” is a reason both for private and public determination. It is easy to understand how a conflict can be dealt with by leaving the decision to a “neutral third party”, less easy to see how it can be eased by continuing private negotiations – unless one party “solves” the conflict by giving in. This is what worries some child welfare workers – that this emphasis on private agreements will lead the weaker party in the relationship (one is particularly worried about abused women) to be manipulated or threatened into accepting a very unfair deal. So far, however, there is no evidence on this.

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?

Court-based agreements are rare. They have the advantage of seeing every aspect of the situation together, but the obvious disadvantage of being time-consuming and costly. In any case, it is not possible for parents to raise a court case solely on child maintenance.

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 3.7.2 about perceived advantages. Among the disadvantages are the lack of flexibility, the NOK 860 fee that each parent has to pay, and the need for a new application (and a new fee) whenever circumstances change so that the award must be revised.

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?

Let's leave court out for now, since parents only end up there in custody battles. If a voluntary agreement breaks down, either parent can turn to the National Insurance, that will calculate the amount following the current formula. If the parents decide (immediately, or at any point in the future) they are not happy with the National Insurance's decision, they can discontinue it and make their own.

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.

The parents can chose to do this, if they wish. There are no restrictions.

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

No.

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

Then she will have to apply to the National Insurance, that can take over payment (with or without forwarding) and reclaiming, even if the amount is agreed privately. This is done free of charge.

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

There is no middle man and thus no delay. Payments are more flexible, and the routine encourages trust and commitment from both parents. If this trust is not present, it is highly unlikely that parents will agree to organise their child maintenance payments in this way.

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.

Forwarding maintenance is the responsibility of the National Insurance, via the National Maintenance Payment Collection Centre.

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.

If the PWC wishes (and her incomes are not too high), she can apply for forwarded maintenance. This is forwarded from public funds, and is not directly linked to the amount paid by the NRP – it can be bigger or smaller. If it is bigger, the National Insurance pays the amount exceeding the NRPs payments. The forwarding scheme is described in more detail in section 4.4.

The National Insurance reclaims money from the NRP. NRPs pay monthly awards (by the 25th in each month), either by bank transfer or direct debit.

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).

This is not possible under the Maintenance Reclaiming Act.

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?

There is no set time scale, but I have never heard of delays being a problem. The National Maintenance Payment Collecting Centre collects money by the 25th each month, and pays it forward on the 10th the next month.

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

The advantages is that it gives stability, and ensures that PWC gets a payment each month. It shelters the PWC and the child from instability and non-compliance from the NRP. I can see no particular disadvantages with this scheme.

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
- Recovery through tax
- Seizing and selling assets
- Driving licenses revoked
- Passport confiscation
- Criminal prosecution
- Imprisonment
- Interest charged on debt
- Other

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.)

The first reaction of the National Insurance is to issue an attachment of earnings order (if he is a waged worker), or to make a deduction in the NRPs benefits (if he is a pensioner). This can happen immediately after the first non-payment, if the NRP does not offer a good explanation for his non-payment and/ or is un-cooperative when offered a voluntary solution. The NI can also claim parts of his estate as security. Second, money can be reclaimed if the NRP gets money back in the annual tax adjustment. This can be particularly important for the self-employed.

The other reactions are far more severe, and are only used in cases of bad misconduct over extended periods of time. Passport confiscation happens to 5-10 NRPs per year, in cases where there is reason to believe that he or she is planning to leave the country (or has already left, and is "trapped" and has his passport confiscated when he comes back for a visit).

As last-resort measures in extreme cases, the National Insurance can report the NRP to the police, that will initiate criminal prosecution that may very well end in imprisonment. If the offender is self-employed, the National Insurance can demand bankruptcy and make their claim against his estate.

Attachment of earnings/ benefits orders can happen immediately, as soon as the NRP defaults on his payments. Cases are only reported to the police after several years of non-payment, and only in cases where there is strong evidence that the NRP is financially able to fulfil his obligation.

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.)

See the next section.

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?

All PWC are included. They do not have to wait for the NRP to default on his payments, nor is it a requirement that the amount has been decided by the National Insurance. Forwarded maintenance is available even to unmarried mothers who have refused to name the father

of the child, and to PWC whose NRP has little or no ability to pay.

There is however an income test (the forwarding scheme has been in place since 1957, the income test was introduced in 2003, so this is a novelty): The full amount of forwarded maintenance is NOK 1250 per child per month. This is payable at the full rate, at 75 % (NOK 938 per child/month), at 50% (NOK 625 per child/month), or not at all (0%). Parents who have incomes of more than 320 times the full amount (1250 * 320= NOK 400.000) will not receive forwarded maintenance (or in bureaucratic terms, they receive the 0% rate). Parents with incomes below NOK 131.900 will receive the 100% rate. For incomes between these two extremes, entitlements vary with income, the number of children, and whether the recipient is a lone parent or has established a new married/ cohabiting relationship, as shown in this table:

Number of children	Lone parent		No. children	Married/ cohabiting	
	75 %	50 %		75%	50%
1	131901 - 248100	248101 - 393600	1	131901 - 217900	217901 - 393600
2	131901 - 286100	286101 - 393600	2	131901 - 255900	255901 - 393600
3	131901 - 324100	324101 - 393600	3	131901 - 293900	293901 - 393600
4	131901 - 362100	362101 - 393600	4	131901 - 331900	331901 - 393600
5+	131901 - 393600		5	131901 - 369900	369901 - 393600
			6+	131901 - 393600	

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?

The amount is flat-rate (NOK 1250), and graded according to the recipient's income as outlined in 4.4.2. It is not linked to the size of the maintenance award. It is updated annually by 1st July.

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?

It is a supplement to other benefits. It will be taken into account if the recipient applies for social assistance (that is subjected to a strong means-test), but otherwise it is not co-ordinated with other benefits.

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

The National Insurance funds and administers the arrangement. The National Insurance, through its executive body the National Maintenance Payment Collecting Centre, is responsible for

reclaiming – if the amount can be reclaimed. As mentioned, it is not dependent on the maintenance award the NRP is liable to pay.

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

There is very little controversy around the forwarding scheme. The obvious advantage is that it is a buffer between the child and the NRP, so that the child will not suffer if the NRP does not pay. It is also a buffer between the NRP and the PWC in cases where the PWC might otherwise hesitate to seek maintenance for fear of the ex-partner's reaction: forwarded maintenance is a right the PWC receives on behalf of the child (the Act is quite clear on that forwarded maintenance is the child's right, but the PWC receives the money on the minor child's behalf), reclaiming is between the NRP and the National Insurance. As a result, angry NRPs rage against the National Maintenance Payment Collecting Centre, not against their ex-partners.

The costs of the scheme could be seen as a disadvantage, yet these costs are peanuts in the overall budget of the National Insurance. I am more worried about the recently introduced income-testing: by now there is a lot of income-testing in benefits for lone parents. Taken together, this is bound to create work disincentives.

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).

After the 2003 reform, child maintenance is irrelevant for tax purposes. Before 2003, maintenance received was taxable.

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.

Again, since the 2003 reform, child maintenance is irrelevant for all other benefits (under the old regime, it was coordinated with transitional allowance). Only the social assistance scheme, which is heavily means-tested, will take child maintenance into account on par with all other incomes the family has.

Child maintenance received is not taxable.

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).

Under the old regime, maintenance paid was tax deductible, but that is not the case anymore. Since 2003, maintenance paid has been irrelevant for tax purposes.

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

Parents who provide for children under 18 are entitled to a "provider's addition" in their disability

pension. This is also available to those with financial responsibilities for a child living in another household (i.e. NRPs). Whether or not he/ she actually pays what he/ she should is irrelevant in this respect – but, as outlined above, if maintenance is not paid the National Insurance can withhold pension.

Otherwise, payment or non-payment of child maintenance does not affect the NRPs social benefits.

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.

I have tried to find an estimate of how much it costs to run the National Maintenance Payment Collecting Centre, but without success. I only find data on administrative costs for the entire National Insurance: NOK 5.124 millions. The National Insurance has 9.000 employees who work ca. 7600 "man years" (which seems a rather sexist translation of the term "årsverk", but it's the one my dictionary proposes... it is an estimate of full-time work equivalents). It has been estimated that employees in local offices use 393 "man-years" on guiding people and making decisions in child maintenance cases (RTV: Rapport 8/05). This excludes the National Maintenance Payment Collecting Centre, which only deals with forwarding and reclaiming, not with calculations of the amount. The National Maintenance Payment Collecting Centre has "more than 100 employees" (according to the National insurance's web-site), which may equal about 84 "man-years" (my estimate). Thus, an estimated 477 of the National Insurance's 7.600 man-years are devoted to child maintenance issues. This is about 6% of the total activity within the service. It is however not possible to estimate a price tag, since the total budget obviously includes more than wage costs.

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.

Not applicable.

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.

Not applicable.

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.

As outlined in 6.1.1, I have not been able to find administrative costs for the National Maintenance Payment Collecting Centre. But I know that the forwarding arrangement cost 1.131 million

kroner in 2004 – this is the gross amount, not costs after reclaiming. NRP owe 2.200 million kroner in unpaid maintenance. In 1999 (which is the most recent estimate I've found), app. 87 per cent of the total debt was debt to the state, while the remaining 13 per cent was debt to the children (or PWCs). Most of the NRPs who have unpaid maintenance owe relatively small amounts (less than NOK 10.000), while 9.600 NRPs owed more than NOK 100.000 by June 2006.

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.)

As mentioned several times above, there is a fee on determination by the National Insurance (currently NOK 860 per parent). Otherwise, unless the parents for some reason decide to enter into a private agreement with the help of a solicitor, I can't think of any fees that will occur.

There is no interest on unpaid child maintenance. (the leader of the Lone Parent's Association in Norway, Stig Rusten, has suggested that this is part of the background why so many NRPs pay late or not at all: it's the only interest-free "loan" available!)

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.

There are no such programs.

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.

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 cohabitants, and parents who have never lived together, please do so.

When parents are not living together, they are obliged under the 1981 Children Act to get a child maintenance order in place. In principle, this can be done with no direct contact between the parents: the PWC can apply to the National Insurance for forwarded maintenance, and the National Insurance will go after the NRP for reclaiming. Forwarded maintenance can be paid even if the NRP has no ability to pay, and even if the NRP (or his/ her whereabouts) is unknown. Non-payment and the accumulation of debt is an issue in this country, but not absence of agreements all-together.

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

As I said, this is a non-issue.

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.

As far as I know, the National Insurance has never analysed its data with this in mind. We do however have data on the distribution of debt: by 30. June 2005, 42 per cent of the non-resident fathers in the National Insurance's data base had no debt, 24 per cent owed less than NOK 10.000, 17 per cent between NOK 10.000 and 50.000, 7% between 50.000 and 100.000, and 9 per cent owed more than NOK 100.000. The "hard cases" are the self-employed, people who change employers frequently, and – obviously – those who have left the country.

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?

All information we have on this – which is not much in any case – is outdated, because the new child maintenance system was implemented 1st October 2003, and we are still waiting for the evaluation. However, a couple of surveys tried to gather data on reasons for non-payment under the old system. Skevik and Hyggen (2002) asked NRPs if they had unpaid maintenance debts, and if so, what the main reason was. Very few NRPs admitted to having debt in this survey, thus the number who answered the follow-up question was very small – only 155 men. Among those, the majority said debt had occurred because they did not have the money to pay the full amount. Slightly fewer said debt had accumulated while they were waiting for a decision to be made about how much they should pay. Only very few said they refused to pay because they found the amount unreasonable.

Statistics Norway asked how NRPs felt about the amount they had to pay, and found that 30 per cent felt they paid far too much, 23 percent "too much", while 36 per cent found the amount "adequate". 1 percent said they paid too little, and ten per cent did not pay maintenance at all. These figures roughly correspond to findings on a similar question in the Skevik and Hyggen survey. NRPs were more likely to say that they paid "too much" if they had three or more children, if they had little education, and if they were not in employment.

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?

Numbers are very uncertain: 8 per cent of children have official addresses in both their parents' home. However, An-Magritt Jensen has estimated that among the 14 per cent who are registered at their father's address, about half in reality spend as much time with their mothers¹. The same is true for a small proportion of those registered with their mother. All in all, Jensen estimates that (8+7+5) 20 per cent of Norwegian children spend roughly equal time with both parents. We know little about these children and their families, but shared residency has always been associated with middle-class families where neither parent relies on benefits, with couples with higher education, and those committed to an ideology of gender equality.

¹ Jensen, A.M. (2005), Barn som bor med far bor også med mor. Samfunnspeilet nr. 2, 2005. Oslo: Statistics Norway

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)?

We have never had good data for this. The “standard figure”, repeated since the mid-1990s, used to be that app. 10 per cent of all parents living apart organised their child maintenance privately. Since the introduction of the 2003 rules, the National Insurance has noticed a 16 per cent decrease in the number of children they mediate/ forward payments for (RTV 2005). In the same period, the number of children living with only one parent increased by 4,4 per cent. A very rough estimate, based on these figures, suggests that by January 2005, 25 per cent of all parents organised their child maintenance privately.

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

Skevik, Anne and Hyggen, Christer (2002), *Samværsfedrenes situasjon. Rapport fra en spørreundersøkelse*. Oslo: NOVA report series 15/02

Sætre, Aina Helen (2004), *Undersøkelsen om samvær og bidrag 2002. Dokumentasjons- og tabellrapport*. Oslo: Statistics Norway working paper 26/2004

Jensen, A.M. (2005), Barn som bor med far bor også med mor. *Samfunnsspeilet* nr. 2, 2005. Oslo: Statistics Norway

RTV (2005), *Private avtaler om barnebidrag*. Oslo: the National Insurance Administration, report no. 7/2005

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

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**

I have two problems with answering these questions: first, the overall lack of research into these issues, second, that what little evidence there is comes from before 2003. There are a few studies on non-resident parents in Norway, but none of these focus on child maintenance or the impact of child maintenance regimes. Norway has had a relatively strict child maintenance system in place in 1915, which means that the duty to pay maintenance is well ingrained in the general population. Paying maintenance is not really something to be negotiated, it is more like paying taxes – it's an obligation, and you're not getting away from it (this is my personal feeling about why there is so little research, I have no evidence for this).

Before the 2003 reform, however, it was argued that NRPs were prevented from having contact with their children because they could not afford the costs. This argument was only partially related to child maintenance, other issues that were highlighted was that the PWC could move wherever she wanted in the country (thus creating high travel costs), and that all public benefits were directed at the PWC. It was hoped that the new rules would encourage non-resident parents to have more contact (since contact now gives a reduction in the award), but we do not know yet to what extent this has happened.

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

I don't think I have anything to offer here.

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

In making decisions about how much to work outside the home, a PWC is unlikely to separate child maintenance from the public benefits she gets/ may get. Under the pre-2003 rules, child maintenance (forwarded or not) was transferable income, that the parent would retain regardless of her income from employment. The amount was however taxable. Under the new rules, her earnings will probably lead to a decrease in the award (because the incomes of both parents are considered when making the award, and because the forwarded amount is income-tested). This may thus lead to a decrease of labour market participation among PWCs. Then again, child maintenance is no longer taxed. It is not easy to estimate how the new system has influenced real marginal tax rates. In any case, there are many factors at play here, and the child maintenance rules are unlikely to have a decisive impact when all other aspects are considered (again: my speculation, we are still waiting for an evaluation of the 2003 system).

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

We have no research on this. If NRPs work less than full time without having a plausible reason for doing so, the National Insurance can determine child maintenance on the basis of their *expected* earnings (that is, the earnings he would have had had he worked full time). Thus NRPs cannot reduce their working hours simply to avoid paying maintenance.

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

As I mentioned, the forwarding arrangement has been in place since 1957, thus we cannot research the before-and-after situation. But if the PWC receives forwarded maintenance, and the NRP is known and has an ability to pay, the National Insurance will reclaim the money from him. If anything, then, the forwarding/ reclaiming procedure makes it more certain that the NRP will pay: not necessarily because he finds it legitimate, but because it is very hard to avoid.

- **(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?**

This no longer happens.

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.

There is surprisingly little research on the child maintenance arrangement as such in this country.

Research has concentrated on the levels of contact and determinants for contact (Jensen and Clausen 1997, Skevik and Hyggen 2002, Thuen 2004, Kitterød 2004, Skevik 2006a), and on the financial situation for NRPs and PWC after the breakup (Melby 1997, Bratberg and Tjøtta 1999, Kirkeberg and Pedersen 2000, Skevik 2004, Lyngstad et al. 2005). In addition, the NOVA project in 2000-2002 included some questions about non-resident fathers' norms and ideals for a reasonable child maintenance system (Skevik and Hyggen 2002, Skevik 2006b).

The NOVA survey asked one question about payments of maintenance, that is, whether or not the non-resident fathers had debt to the National Insurance. A very low proportion of the fathers admitted to having such debt – much lower than the proportion of indebted payers reported by the National insurance. A similar question was asked in Statistics Norway's survey, but these responses have not yet been reported (which suggests that the question did not work very well in this survey either). Thus we know practically nothing about the determinants for payment – but Skevik (2006b) gives an indication of which principles for maintenance determination are seen as legitimate by non-resident fathers in Norway, and how this varies with characteristics of the father.

List of references:

Bratberg, Espen og Sigve Tjøtta (1999): *Levekår i barnefamilier etter skilsmisse*. SNF-rapport nummer 1/ 1999. Bergen: Stiftelsen for samfunns- og næringslivsforskning.

Jensen, An-Magritt and Clausen, Sten-Erik (1997): *Samvær og fravær. Foreldres kontakt med barn de ikke bor sammen med*. NIBR notat 103/ 1997. Oslo: Norsk institutt for By- og Regionsforskning (NIBR).

Kirkeberg, Mads Ivar og Pedersen, Vidar (2000): "Mottakere og ytere av barnebidrag: hvem har best

økonomi?" *Samfunnsspeilet* 2000, 5, 2-10.

Kitterød, Ragni H. (2004), 'Samvær med barn etter samlivsbrudd: hva svarer far og hva svarer mor?', In *Samfunnsspeilet* 18(2):55-64

Lyngstad, Jan, Kjeldstad, Randi and Nymoene, Erik (2005), *Foreldreøkonomi etter brudd. Omsorgsforeldres og samværsforeldres situasjon 2002*. Statistics Norway: report series 21/05

Melby, Ingrid (1997): Etter samlivsbruddet: Far har best økonomi." *Samfunnsspeilet* 1997, 1, 1-9.

Skevik, Anne og Christer Hyggen (2002): *Samværsfedrenes situasjon. Rapport fra en spørreundersøkelse*. NOVA-rapport 15/2002, Oslo: Norsk institutt for forskning om oppvekst, velferd og aldring (NOVA).

Skevik, A. (2004b), 'Far, forsørger og fattig? Økonomiske problemer blant norske samværsfedre'. *Tidsskrift for Velferdsforskning* 7 (1), 2-16

Skevik, A. (2006a), 'Absent fathers' or 'reorganised families'? Variations in father-child contact after parental break-up in Norway. *Sociological Review* 54 (1):114-132

Skevik, A. (2006b), "Fairness in Child Support Assessments: the views of non-resident fathers in Norway", *International Journal of Law, Policy and the Family*

Thuen, Frode (2004), *Livet som deltidsforeldre*. Bergen: Fagbokforlaget

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

Since the 2003 reform, it has been surprisingly quiet (this could be calm before the storm, as a green paper is underway that will present an evaluation and possibly suggest reforms... but my gut feeling is that things will be left more or less as they are). One thing that is criticised is that if parents disagree on how much contact NRPs and children actually have, the National Insurance will believe the PWC and put the information from her (or him) into the formula. If the PWC says that the NRP has less contact than he actually does, the level of maintenance will be set too high, but there is little the NRP can do. This is a source of conflict between parents, or rather, it is a way of escalating conflicts that are already going on. However, I have not heard any good suggestions as to how this problem can be solved – this may be something we shall have to live with.

The Ministry is disappointed that still only a minority reach private agreements. The abovementioned survey from the National Insurance (with its disastrously low response rate of 31 per cent) indicated that there are a number of misconceptions about the opportunity to make private agreements among parents, thus the need for information is acute.

Among academics, and to some extent activists in the field, the starting point in the costs of children is controversial. How can anyone determine what a child "costs", irrespectively of the earnings of both parents, the area in which they live, and other circumstances? However, it is definitely my feeling that the Ministry is not listening to this criticism. Their standard answer is always "if parents think they spend more on their children, or should spend more, they are free to agree privately to do so".

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.

You have asked me to refer to the situation as of 1st July 2006. Curiously, this was the date when the biggest administrative reform in recent Norwegian social political history was implemented: the

National Insurance ceased to exist from this day. Instead, the National Insurance and the employment agencies are merged under the new “super-service” NAV (Ny Arbeids- og Velferdsetat – New Work and Welfare Agency). If you ask me to update this information in 2-3 years, there may have been some administrative changes: NAV will be responsible for child maintenance, like the National Insurance was until very recently, but it is not given that the job(s) will be organised in exactly the same way. As of yet, however, no real changes have been made – with respect to child maintenance, this administrative reform still only means that letters will be sent out with a new logo.

As for substantive changes/ changes in the formula, I can't see anything coming right now. There was an enormous activity in this area from the mid-1990s until 2003, but since then it has been relatively quiet. Nor can I see any policy developments likely to affect the child maintenance regime. Family policy in Norway at the moment is obsessed with public child-care for pre-schoolers (coverage rates and costs), the politics of parents living apart was more the issue of the 1990s.

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

We have absolutely no evidence on this. I can only offer anecdotal evidence, based on my impression of the debate – both public debates and discussions in social settings. First, a lot of people question the normal practice, that mothers almost always “get the children” after a break-up. There seemed to be a strong image that fathers were “practically without rights” when parents broke up. Quite a lot was written about this in the late 1990s. A few legal changes were made, most importantly perhaps the simplified procedure for acknowledging paternity for cohabiting fathers, and now it has been a while since I last saw a newspaper report on “daddies without rights”.

As for the child maintenance reform, it had broad political support. All the three bigger parties backed it in the Parliament (Labour, the Conservative party and the Progress Party): Labour in particular, and to some extent the Conservatives, saw it as part of a larger gender equality project (encouraging continued care from fathers, taking mother's earnings into account → the dual earner/ dual carer family). Popular opinion, I think, accepted the argument that the new system was more “fair”. In particular, people thought NRPs should be rewarded for contact, and thus that the level of contact should be taken into account for maintenance purposes. I can't remember seeing anyone openly challenging this principle.

Generally, there is no opposition to the principle that NRPs shall, if they are at all able to do so, provide for their children. This legislation has been in place for more than 90 years, and the debate on that basic principle is over long ago. Also, it is largely taken for granted that biological children from a previous relationship have priority over step-children. Disagreements centre on how exactly the amount should be calculated.

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 are two main pressure groups in this area: the lone parents' association (Aleneforeldreforeningen) and the joint custody association (Foreningen 2 Foreldre, F2F). When the new child maintenance rules were passed, the lone parents' association complained to the Children's ombudsman and the Gender Equality ombudsman that the new rules violated the UN convention of children's rights (!). I have not been able to find these documents, so I don't know how they argued, and in any case nothing came of it. Since then, it seem both the lone parent's association and F2F have concentrated on other issues: child poverty in the first case, increased pressure for shared physical custody in the latter. Searching the websites of the two groups (which are both quite extensive), I find no evidence of campaigning for or against the child maintenance system. I know that the F2F have been

rather furious with the practice of believing the PWC on the issue of contact, but it seems they are not campaigning very actively on this at the moment.

The Lone Parents' Association has written a set of suggestions for the coming review of the child maintenance system (this was the one thing I found on their website directly related to child maintenance). Their proposals are extremely modest, arguing that the assumed costs of children should be higher, that the deduction for contact should be lower, and that the fee for public decision-making should be abolished. That is, they do not challenge the present formula, they merely wish to slightly alter the sums that are entered into the calculation.

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
- b. Children who need (or desire) maintenance have a formal entitlement
- c. Maintenance policies do not negatively influence relationships between children and their non-resident parents
- d. Those in similar circumstances are treated similarly
- e. Those who need more child maintenance, receive more
- f. Parents easily understand how amounts of maintenance are calculated
- g. Child maintenance obligations are determined promptly
- h. Parents with care feel the amount of maintenance is adequate
- i. Nonresident parents feel the amount of obligation is affordable given their costs of living
- j. The child maintenance regime is administered efficiently and effectively
- k. Non-compliance with maintenance obligations does not add a substantial amount to governmental 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.

I think the current regime is working reasonably well on most of these criteria (then I also said that about the "old" system, so maybe this just indicates that in a small, well-organised and affluent country like Norway, you just can't go that wrong!). I am particularly happy about the system's performance on a), regular provision – this is in large part thanks to the forwarding arrangement. The same goes for b). J) and k) are also largely true, though on k), it depends on what you consider "substantial costs".

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.

C) is a genuine problem, I think, with the 2003 rules. Family councillors say that parents fight over money more than they used to, because the contact arrangement now has direct financial implications for both parties – moreover, PWCs have been given an incentive to limit contact, while NRPs have a

stronger than ever incentive to claim as much contact as they can (I have no study to back this up, this is purely anecdotal evidence). F) is the other really big weakness of this system: the rules are relatively incomprehensible, even to educated people.

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.

I think we finally have a child maintenance regime in which the basic principles are legitimate to most people, as evidenced in the fact that the debate has calmed down and even the pressure groups are not really campaigning that hard anymore. That is a big advantage over the “old” system, which was frequently described as “old-fashioned” and “unfair”.

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

I am not entirely confident that these questions have made it possible for you to understand the workings of the 2003 child maintenance rules. I therefore paste a brief section from my article “The New Family’s Vulnerable Vanguard: Child Maintenance reform in Norway” (published in *Social Policy and Society* 3 (1) 2004, pp. 11-19), that gives an overview of the principles:

Under the 2003 rules, the *actual costs of children* are to be the starting point for the assessment. Estimates of such costs are found in the “standard family budget” developed by the National Institute for Consumer Research (*Statens Institutt for Forbruksforskning*, SIFO), which estimates the expenditure for a family with a “reasonable” living standard. Child benefit and tax deductions for child-care are to be deducted from these estimates, since these are conceptualised as expenses covered by the state rather than by the custodial parent. Estimates for increased housing expenditure and child-care costs are added.

Having arrived on an estimate of how much it costs to maintain the child in question, the next step in the maintenance assessment is to share these costs between the parent. The non-custodial parent’s income is calculated as a proportion of the total income of the parents, and then related to a six-step scale. The basic idea is that if the parents make about the same amount of money, the non-custodial parent shall pay half the estimated costs of the child. If his income is approximately twice her income (i.e. $2/3$ of their total income), he pays $2/3$ of the costs, and so on.

Those two steps lead to an estimate of the maintenance amount. The third step is to evaluate the liable parent’s ability to pay. Fixed estimates from the SIFO standard budget are used to calculate his taxes, housing costs, daily expenses and any costs of new biological children (not step-children). If the liable parent’s income after those expenses are lower than the maintenance assessment, his liability is reduced. For very low incomes, maintenance may be determined at nil.

Finally, and importantly, the maintenance assessment is adjusted for the non-custodial parent’s contact with the child. The idea is that contact with the child incurs direct costs. If this does not influence the amount payable as child maintenance, the non-custodial parent ends up paying twice, supporting the child both directly and indirectly. Deductions for contact are to be made according to the number of nights the parents have agreed the child should spend with the non-custodial parent. The minimum contact that gives a deduction in the maintenance rate, is two nights, the maximum 15.

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?**
- 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.**

Parents do not get to choose whether or not to establish a child maintenance agreement, but they can agree that the amount paid should be zero (this can be re-negotiated when circumstances change). However, a woman in Miss Field's situation will want to receive forwarded maintenance. She has already been in touch with the National Insurance about the other benefits available to lone mothers with no income, so she has probably been told about the forwarding scheme. She can apply for forwarding even if she and Mr. Hill reach a private agreement, and even when he has no income and thus no ability to pay.

Mr. Hill receives social assistance. It is normally accepted by the National Maintenance Payment Collecting Centre that recipients of social assistance has no ability to pay. There is no minimum child maintenance award in Norway.

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

If they make a private agreement, they can use any criteria they like. If they ask the National Insurance to make the decision for them, the NI will consider Susan's age, the incomes of both parties, and the level of contact.

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.

I do not understand what "further information" this could refer to.

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.

Miss Field will receive the full forwarded amount, NOK 1250 per month.

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)?

Since he has no ability to pay, there will be no reclaiming in this case.

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.

Miss Field still has no income, and will thus continue to receive the full forwarded amount. But now the two of them no longer has full freedom to enter a private agreement: Mr. Hill has an ability to pay now. This is the only exception that applies to the full freedom to enter private agreements: if the PWC receives the forwarded amount, and the NRP can pay, parents cannot agree that he should pay less

than he would have to following the standardised rules.

I fed the information about these two into the “maintenance calculator” provided on the National Insurance’s website, assuming that Mr. Hill earns 75% of average industrial worker’s earnings (NOK 248.775). I further assumed that since this is of relevance for his maintenance award, he will want to formalise his contact arrangement with Susan. Since she is a baby and presumably still nursing, I assumed he will not insist on having her over-night, but has 3-4 days of contact per month. Given this information, he will pay NOK 1870 per month. If he pays via the National Maintenance Payment Collection Centre, the full amount will be transferred to Miss Field.

If for some reason he does not pay, Miss Field will receive only the forwarded amount, and Mr. Hill will owe NOK 1250 per month to the National Insurance and NOK 650 to Susan. The National Maintenance Payment Collection Centre will come after him to reclaim the full amount, most likely by issuing an attachment of earnings order.

8.2.2 Would any other outcomes likely differ? Please explain.

As mentioned in 8.2.1, now Mr. Hill has to pay contact becomes more of an issue. “Frequently coming around” does not qualify for the contact deduction in his award.

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.

If these two have a private agreement, Miss Field must approach him to change the terms. But in any case, he is on the rolls of the National Maintenance Payment Collection Centre as a NRP liable to pay, only his amount has been set to 0. He is obligated to inform the National Insurance of any changes in his circumstances, such as an increase in his income. Since Miss Field received the forwarded maintenance, the National Maintenance Payment Collection Centre may at their own initiative recalculate his due. As outlined above, he shall pay NOK 1870.

8.3.2 Would any other outcomes likely differ? Please explain.

As above, he now has an initiative to formalise his contact with Susan. Susan is now 3 years old, and he may indeed wish to have more contact with her than I assumed in 8.2.1. If so, and if Miss Field agrees, his award will be lower. However, Miss Field may be very happy with the contact arrangement as it is, and resist formalising it (because she also knows this will imply her getting less maintenance). This could lead to a nasty conflict between the two parents.

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.

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.

Mr. Hill still has no earnings and thus no ability to pay. Thus the change in her circumstances does not affect him.

However, she now earns enough for the income-testing of the forwarded amount to kick in. For incomes between NOK 131.000 and 248.100 (for a lone parent), the 75% rate is paid. This equals NOK 940, that is, NOK 310 less than the full amount she received previously.

8.4.2 Would any other circumstances likely differ? Please explain

Child-care for Susan may be an issue now. Costs of child-care, and whether or not Miss Field receives child-care benefit, could influence the maintenance obligation – if Mr. Hill had an ability to pay.

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.

This couple, like everybody else, are encouraged to make their own private agreement. Since they are going through a formal divorce and have children under 16, they are obliged to undergo conciliation. They can bring up the issue of maintenance during conciliation, but the councillor is unlikely to spend much time on this. In any case, it sounds as if these two are too angry with each other, and disagree too much about how the award should be calculated, to make that happen.

Thus they apply to the National Insurance (as about 75-80 per cent of all couples do when they want to settle a maintenance case). A decision will normally be reached within two months. After the decision is made, Mr. and Mrs. Coast can decide for themselves if they want to organise payments directly, or if they want to use the National Maintenance Collecting Payment Centre as a middle man.

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

The starting point for the assessment is the costs of children. Children in the age group 6-10 years are assumed to "cost" NOK 4.040 per child per month (from 1st July 2006), plus estimated extra housing expenses NOK 890. I estimate that Mrs. Coast earns NOK 150.000 and Mr. Coast NOK 400.000, and that neither has income from capital, assets etc. He thus earns 4/6 of their total income, and shall pay 4/6 of the costs for each child. His contact amounts to more than 4 nights per year, which gives a "contact class III" deduction. Feeding this into the National Insurance's maintenance calculator gives an amount of NOK 1.880 per child per month.

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

The National insurance wants to know about all taxable incomes, not just incomes from earnings. This information is available from last year's tax documents (which would have to be provided). Above, I have estimated such "other incomes" at nil.

Also, the National insurance needs to know if Mr. Coast lives alone or with other adults, if there are children in his household (and if so, how many), how the two parties are taxed (tax group I or II, tax group II is available to lone parents and to couples where one party is not in employment), what benefits Mrs. Coast receives, and whether or not there are childcare expenses.

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

I can see no particular problems in this case.

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.

As suggested above, he shall pay NOK 1.880 per child per month, or a total of NOK 3.660 per month. Except for the insecurity about incomes from other sources than earnings, I have all the information I need to make this assessment.

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?

Mrs. Coast can apply for forwarded maintenance if she wishes. This is limited upwards to NOK 940 per child per month for a person with her income. If she does, Mr. Coast has to pay via the National Maintenance Collecting Payment Centre. The money he pays in is forwarded to her on the 10th each month.

If she trusts him to be a regular payer, they can arrange payments privately. Alternatively, they can use the National Maintenance Collecting Payment Centre as a middle man without applying for the forwarded amount.

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

If they have organised payment privately and he does not follow through, Mrs. Coast will turn to the National Maintenance Collecting Payment Centre so that she will at least get the forwarded amount. That is, if non-payment occurs, the National Maintenance Collecting Payment Centre will get involved regardless of whether or not they were involved before. As outlined in the questionnaire, they have wide powers to reclaim money.

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.

Since he makes quite a lot more money than her, he will still pay some maintenance. However, his contact deduction is now in the highest "contact class", 14-15 nights per month. This reduces his award to NOK 1300 per child per month, or NOK 2.600 in total.

8.6.2 Would any other outcomes likely differ? Please explain.

I can't think of anything.

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?

He could talk to his ex-wife. If they are now on friendly terms three years down the line, and he has made regular payments throughout this period (and thus proven he's reliable), she may be willing to enter into a private agreement that takes her new family situation into account. But if not, if he takes this case to the National Insurance, he will be turned down: providing for his biological children is his responsibility, not the job of her new partner.

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

If the National Insurance makes the decision, no.

OR: what would be relevant now is not the fact that Mrs. Coast has repartnered, but that the children are three years older. Older children are assumed to cost more. Thus if Mr. Coast asks for a new assessment of his award, and the new ages of the children are fed into the calculation, he will end up with a higher award than he previously had. Awards are not uprated automatically as children grow older, thus it would take a new assessment to reach this increase – and both parents would have to pay the fee for the new opening of the case. If Mr. Coast knows what is good for him, then, he will stay well away from the National Insurance in this situation.

8.7.3 Would any other outcomes likely differ? Please explain.

I could speculate about how this might influence relationships and contact arrangements (one of the surprising findings from my own study of non-resident fathers is that fathers whose ex-partners have repartnered report significantly less contact than fathers whose exes are lone parents... I was unable to find out why this would be so). Formally, however, the repartnering of the PWC is irrelevant both for child maintenance and for contact.

Mrs Coast is now part of a couple with a partner with an income, and thus is taxed in tax group I (instead of II as when she was a lone parent). In the maintenance assessment, when calculating the incomes of both parties, the "advantage of tax group II" is calculated as an addition to her income from earnings. Moving to tax group I removes this advantage, thus decreasing her assumed income. This could in principle lead to Mr. Coast having to pay *more*, but in this particular case it has no impact (the advantage of tax group II is a small amount of money in any case, and would affect the assessment only in very special cases). But this illustrates the complexity!

If she receives forwarded maintenance, moving in with a partner could influence which rate she will get. I have assumed she gets the 75% rate, available to lone parents in the income bracket NOK 131.901-248.100. For a PWC living in a couple, the 50% rate kicks in not at NOK 248.100, but at NOK 217.901 (cf. 4.4.2). Mrs. Coast's income is below this level, thus this does not matter to her... but it might have, had her income been higher.

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?

As above, he has two options: approach (the original) Mrs. Coast and ask for a private deal, or turn to the National Insurance.

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

What would happen if Mrs. Coast agrees to make a private deal, I can't say. The parties have full freedom to make their own arrangements and agree on any amount they like.

If the National Insurance handles the case, it may find his change in circumstances relevant for his ability to pay. His liabilities to his non-resident children are the same, but his ability to pay may have changed. Now Mr. Coast earns far too much for this concern to kick in, but had his ability to pay been lower, his change in circumstance would have been relevant. The award should take into account that after maintenance is paid, the NRP should have enough money left to provide for himself and any of his own children living with him. How much money he should have left for himself varies by whether or not he lives with another adult in the household, taking into account the economies of scale. As an example, a parent living alone should have NOK 6.756 left for his personal consumption. If he/ she lives with another adult, the amount is lowered to NOK 5.720. Thus the new partner is not seen as someone Mr. Coast should provide for, but someone who

helps him provide for the joint household.

8.8.3 Would any other outcomes likely differ? Please explain.

No.

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