

Republic of Latvia Ombudsman

Practices of formal child maintenance administration in Poland and Baltic states

Annual Meeting of the Ombudspersons of Estonia, Latvia, Lithuania and Poland 21-22 May 2018

A joint study prepared by the Ombudsman's Office of the Republic of Latvia in cooperation with:

- Office of the Chancellor of Justice of Estonia
- Institution of the Ombudsperson for Children Rights of the Republic of Lithuania
- the Office of the Ombudsman for children of the Republic of Poland

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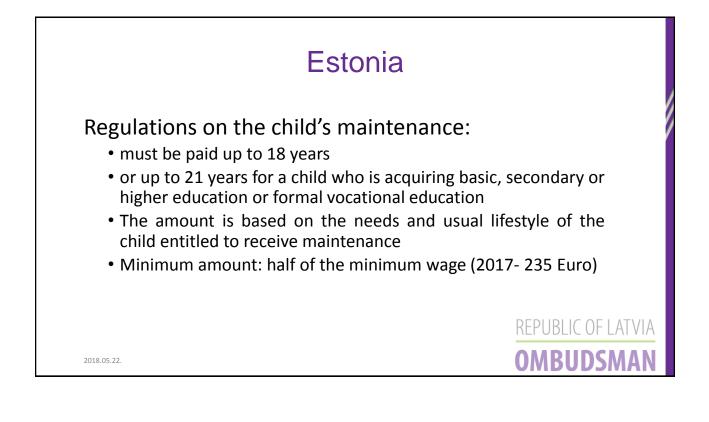
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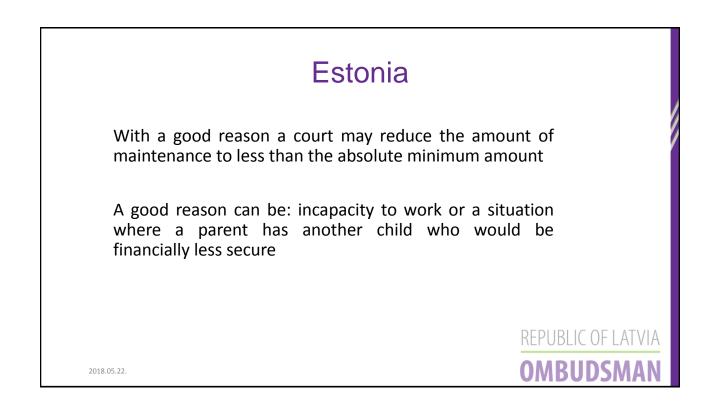
The Aim

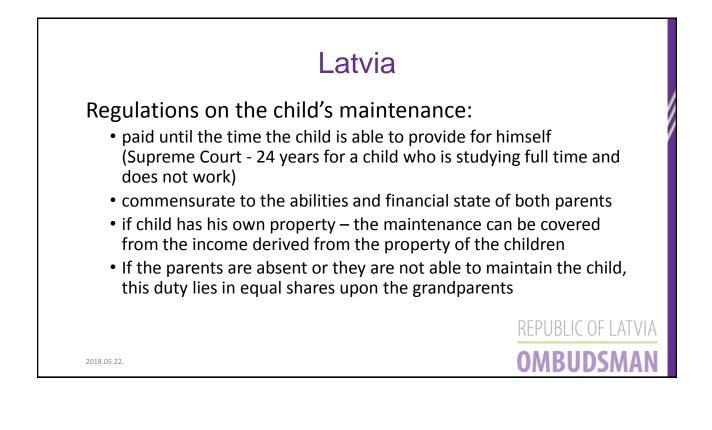
To gather a brief comparison of child maintenance administration systems and national regulations in four countries (Estonia, Latvia, Lithuania and Poland) in order to bring out the best practices

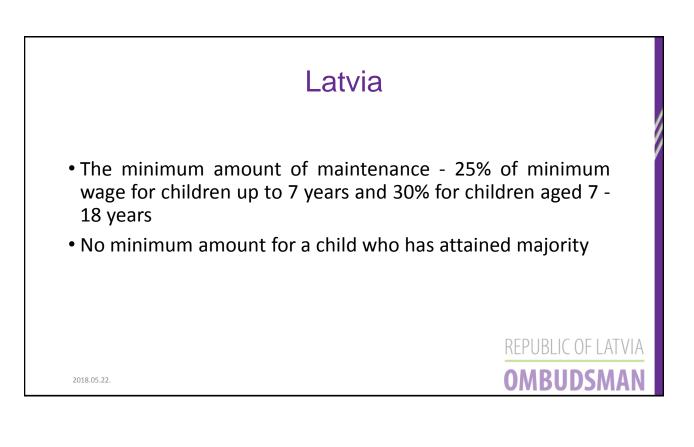


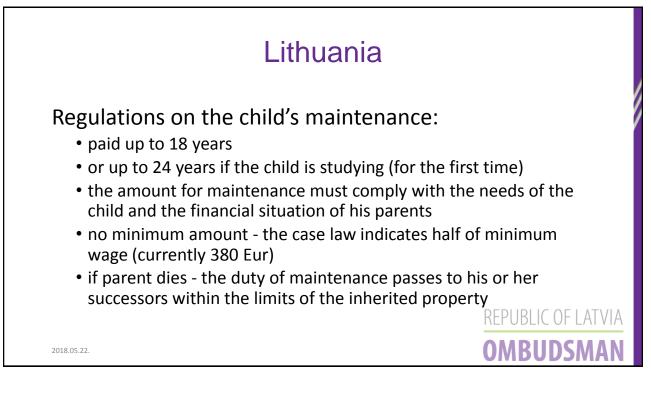


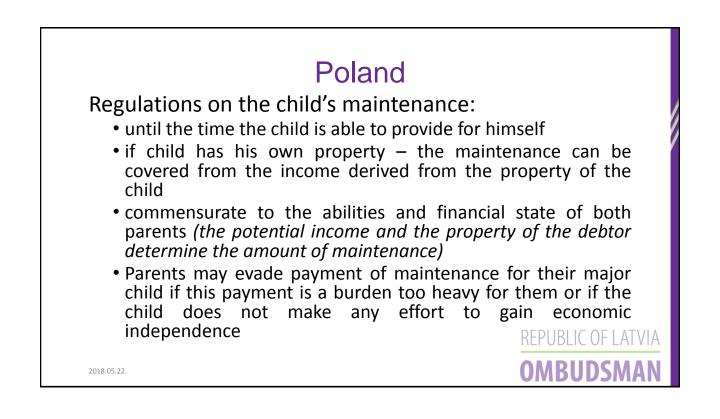


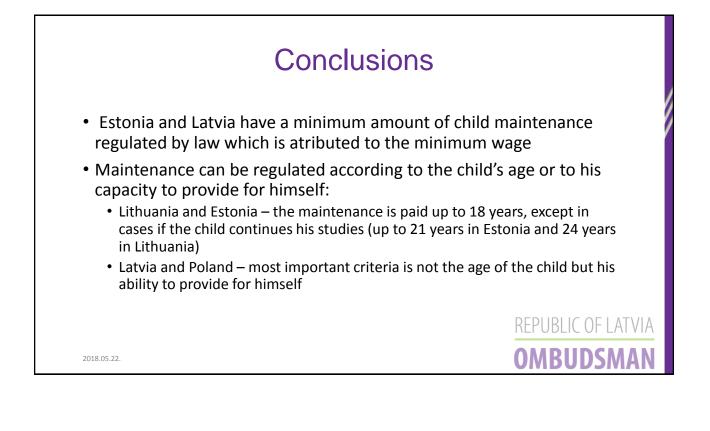


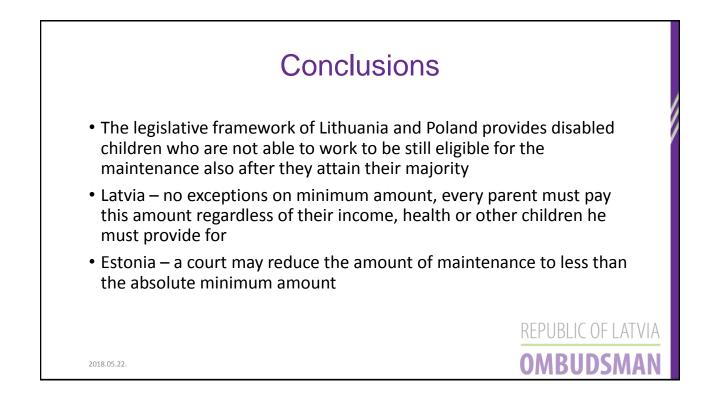




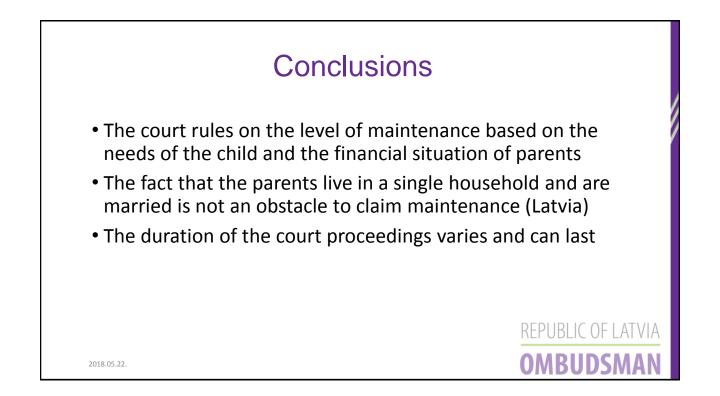


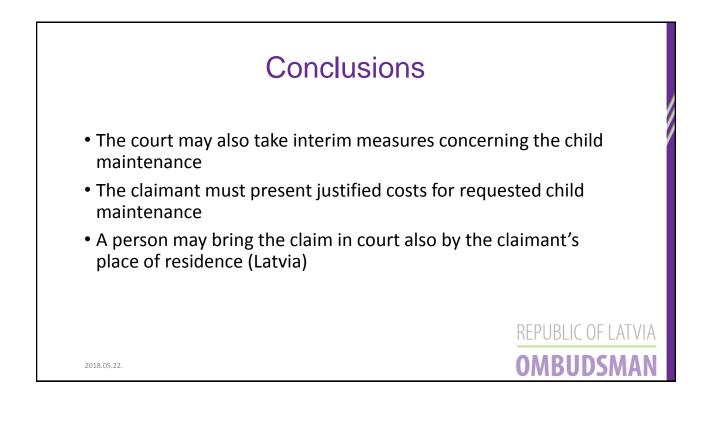






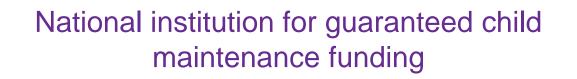






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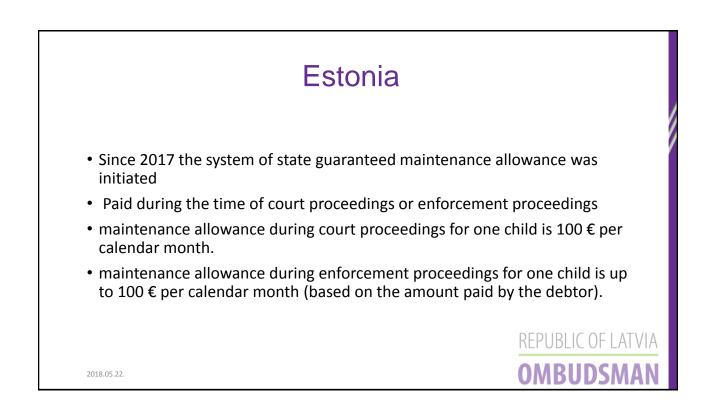
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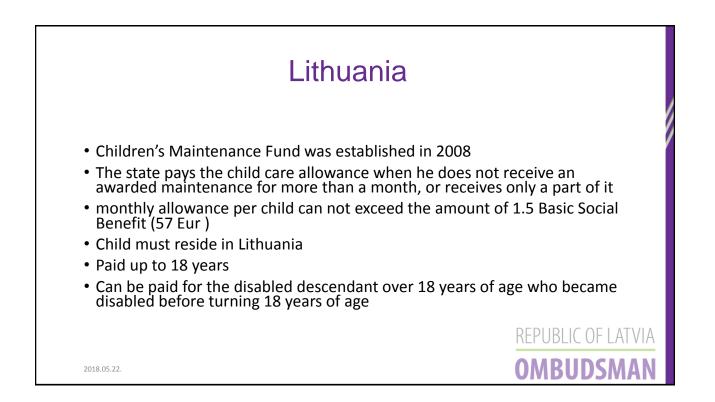
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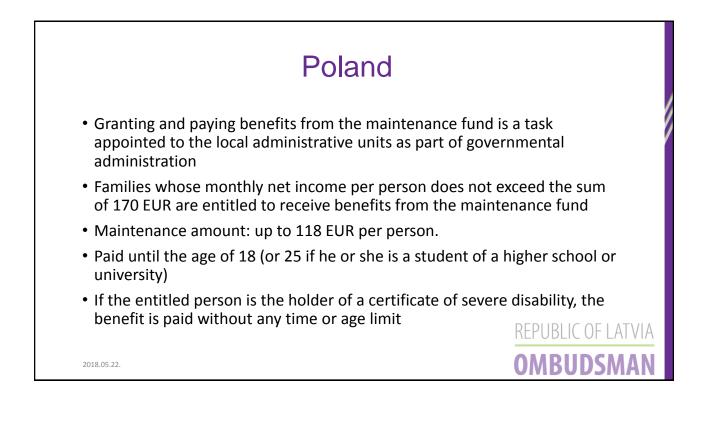
National debt

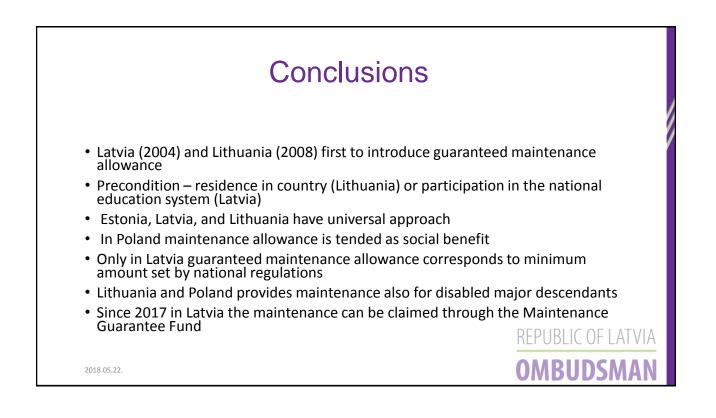
	Latvia (2016)	Lithuania (2017)	Poland
How many children receive state administrated child	33 934 (9.6%)	22 701 (4,38 %)	Around one million (almost every tenth child and a young person up to 25 years of age)
maintenance Debtors	37 353	35 000	-
Total debt to the state	197,5 million EUR	121,2 million. EUR	2,4 billion EUR
Effective enforcements (%)	4 295 638 (2%)	5,33%	6%
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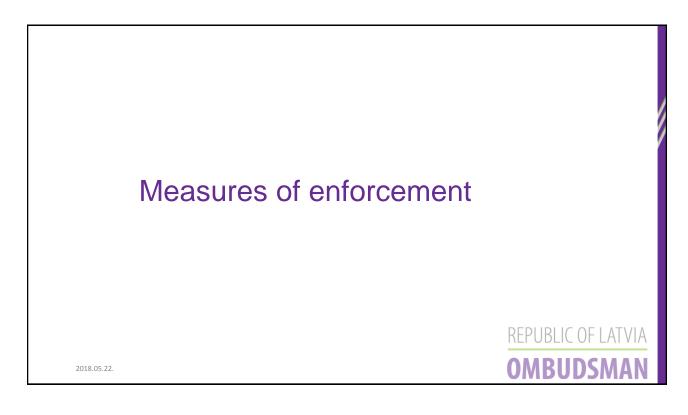


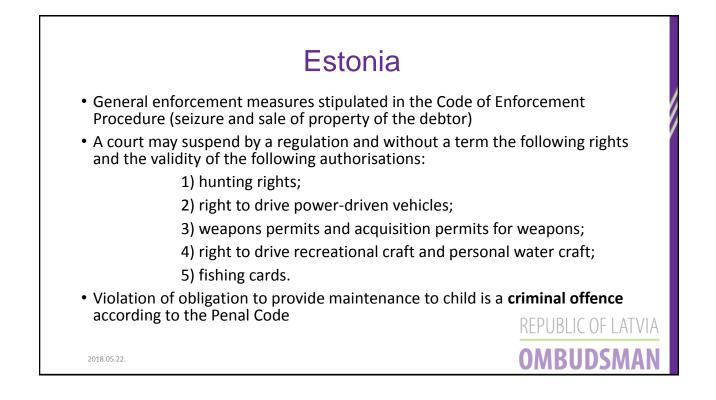


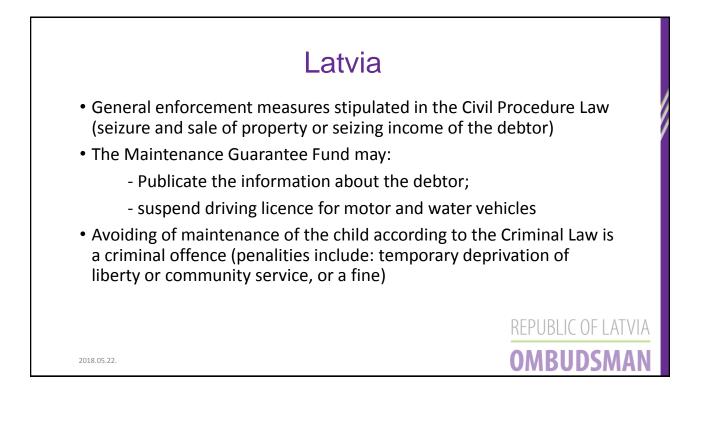


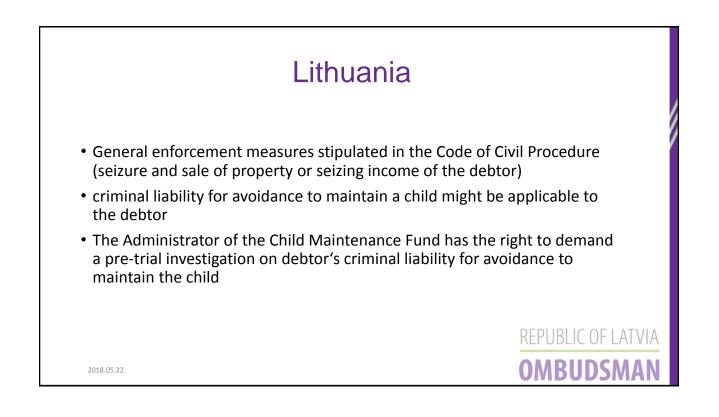


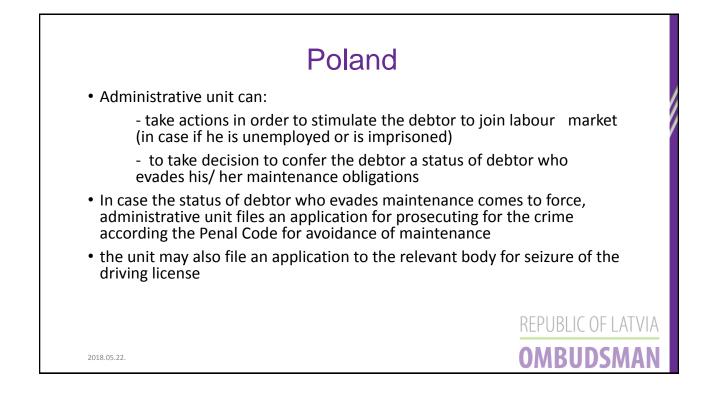














Currently Latvia and Estonia have settled the minimum amount of child maintenance. In case of Latvia it differs depending of the age of the child. Estonia and Latvia link the minimum amount of maintenance to the national minimum wage. Poland and Lithuania does not set any minimum amount (Lithuania only by case law). In Estonia a court may reduce the amount of maintenance to less than the absolute minimum amount if there is a sound reason.

Should the minimum amount be regulated by law? Should there be possibilities to deviate from the general regulation on minimum maintenance amount? REPUBLIC OF LATVIA

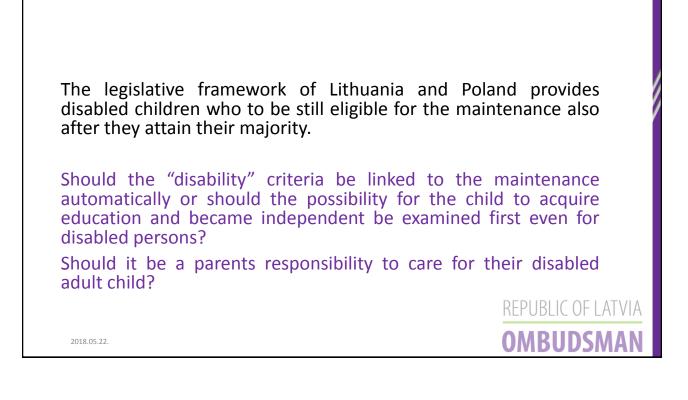
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For the eligibility to receive the maintenance, Latvia and Poland do not set the age limit, but as criteria uses the child's ability to provide for himself.

As there are often cases when a child after he or she attains majority still is unable to maintain himself due to the studies or other reasons, how to regulate the eligibility for the maintenance after a child has come of legal age?



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Since April 2017 in Latvia the maintenance can be claimed through the Maintenance Guarantee Fund, if the claimant asks for minimum maintenance amount. Thus, the procedure for maintenance claims have been made more accessible and faster.

Should maintenance be claimed only by courts?

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All three Baltic states use universal approach for maintenance allowance distribution, Poland distributes allowance depending on the income of the family where child lives.

Should maintenance allowance be a social benefit or social right?

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Lithuania and Poland it is the maintenance administration institution that can file an application for prosecuting for the crime for the avoidance to pay maintenance. In Latvia such cases when prosecutor starts criminal investigation because of avoidance of maintenance is rarity, usually they are terminated due to the inability to prove the malintent of the debtor. In turn national maintenance institutions have greater possibilities to prove the malintent of debtor (in cases if he does not cooperate).

Should the maintenance administration institutions have the right, in cases if debtor does not cooperate, to bring the claim for the criminal procedure?

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Another way of how to increase the power of maintenance administration institution is to give them power to suspend certain rights or licenses. Currently such rights are for Latvian and Polish maintenance administration institutions. In case of Estonia it is the court who may rule the suspension.

Should national maintenance administration bodies be entitled to suspend certain rights of persons, given that they do not belong to the judicial system?

