

1) What do the concepts of ‘alimony’ and ‘maintenance obligation’ mean in practice? Who is entitled to maintenance from another person and who is obliged to pay maintenance to another person?

The Family Code of Ukraine (*Simeiny kodeks Ukrainy*) establishes the specifics of family relations between spouses, parents and children, the mother and the father of a child, as well as between other family members defined therein, giving these persons a certain number of rights and obligations.

The concept of ‘maintenance’ within the meaning of the family law of Ukraine establishes that a person is to be provided with the necessary conditions for life, upbringing, development, etc.

This includes providing for the basic needs of the person (in particular, food, clothing, recreation, education, and medical care). By its legal nature, the right to maintenance is a special subjective property right. Exercising this right has its own peculiarity, since it can be exercised by agreement or be enforced (maintenance payments/alimony).

The persons listed above are also obliged to pay maintenance to others if certain circumstances arise. It can be paid voluntarily or on the basis of a court order.

Alimony (‘*alimenty*’, further ‘maintenance’ and/or ‘child support’) is the maintenance allowance required by law to be paid by:

- one of the parents to a child under the age of majority (Article 180 of the Family Code of Ukraine);
- both parents to a child under the age of majority (Articles 198 and 199 of the Family Code of Ukraine);
- an adult daughter, an adult son to their parents (Article 202 of the Family Code of Ukraine);
- a spouse to their spouse (Article 75 of the Family Code of Ukraine);
- a former spouse to their former spouse (Article 76 of the Family Code of Ukraine);
- a woman and a man who are not in official marriage (Article 91 of the Family Code of Ukraine).

It may also be necessary to provide for additional expenses for a child due to special circumstances (development of the child's skills, their illness, etc.) or for maintenance of parents (due to their serious illness, disability or infirmity).

In addition, the Family Law of Ukraine lays down the responsibility of grandparents to maintain their grandchildren; the responsibility of grandchildren, great-grandchildren to maintain their grandparents, great-grandparents; the responsibility to maintain siblings; the responsibility of step-parents to maintain their stepchildren; the responsibility of other persons to maintain a child; the responsibility of stepchildren to maintain their stepparents; the responsibility of a person to maintain those with whom they lived as a family until they reached the age of majority.

2) Up to what age is a child entitled to receive child support? What is the difference between the legal rules for child support and those for adult maintenance?

Under Article 180 of the Family Code of Ukraine, parents have the responsibility to maintain their child until the child reaches the age of majority, that is until the age of 18.

Parents' responsibility to maintain their children arises from the moment the children are born and lasts until they reach the age of majority. This responsibility does not cease even in the event that the children acquire full legal capacity before reaching the age of majority by getting married if their marriageable age has been decreased.

If an adult daughter, an adult son continues their education and requires financial support as a result, the parents have the responsibility to maintain them until they reach the age of twenty-three, on the condition that the parents have the means to do so (Article 199 of the Family Code of Ukraine).

The responsibility to maintain a child is shared equally by the mother and the father and is not joint, but personal and individual. Parents have the responsibility to maintain their child regardless of their marital status (e.g. if the child was born in a *de facto* partnership). The maintenance obligation remains valid even if the child was born in a marriage that was subsequently annulled, or if the parents were deprived of their parental rights.

The responsibility of the persons concerned to pay maintenance to other persons arises under certain conditions and with regard to all the circumstances in relation to each other.

The legal norms on the responsibility to pay child support and adult maintenance vary in view of the grounds for such a responsibility to arise, the amount of the maintenance and its recipients.

3) Does the responsibility to maintain a child terminate automatically after the child has reached the age of majority? When does the child reach the age of majority? If the responsibility terminates automatically, please provide relevant legal norms.

Under Article 6 of the Family Code of Ukraine, a person who has not reached the age of majority has the legal status of a child. The term 'minor' in Ukrainian law designates a child who has not reached the age of fourteen. The term 'juvenile' in Ukrainian law designates a child between fourteen and eighteen years of age.

Under the norms of the civil law, a person reaches the age of majority at the age of eighteen (Article 34 of the Civil Code of Ukraine (*Tsyvilny kodeks Ukrainy*)).

Under Article 188 of the Family Code of Ukraine, only a court judgement may release parents from the responsibility to maintain their child, on the condition that their child's earnings greatly exceed the income of either parent and fully meet the child's needs. If the child has ceased to receive income or their income has decreased, the person concerned has the right to file a claim with the court to recover maintenance.

In addition, Article 189 of the Family Code of Ukraine provides that parents may enter into a child support contract, in which they determine the amount and frequency of payments. The terms of the contract may not violate the rights of the child as laid down in the Code. The contract must be drawn up in writing and certified by a notary.

Under Article 190 of the Family Code of Ukraine, the parent with whom the child lives and the parent who resides separately from the child may, with permission from the guardianship and care authority, enter into a contract terminating the right to child support in connection with the transfer of ownership of immovable property (house, apartment, land plot, etc.).

Such a contract must be certified by a notary. Under such a contract, the ownership of immovable property takes effect from the moment that it is recorded in the public registry as required by law. The ownership of immovable property is acquired by the child alone or by the child and the parent with whom the child lives as joint owners. If such a contract has been made, the parent with whom the child lives undertakes to maintain the child alone.

Entering into a contract does not release the parent who resides separately from the child from their responsibility to share additional expenses for the child.

Articles 198-200 of the Family Code of Ukraine also establish that parents shall maintain their adult daughter, adult son who is in need of financial support on the condition that the parents have the means to do so.

If the adult daughter, the adult son continues their education and therefore needs financial support, the parents have the responsibility to maintain them until they have reached the age of twenty-three, on the condition that the parents have the means to do so. The right to maintenance terminates when they cease their education.

The parent with whom the daughter, the son lives, and the daughter, the son who is continuing their education, have the right to file a court claim to recover maintenance.

The court sets the amount of maintenance to be paid to the adult daughter, the adult son as a fixed monetary sum and/or as a share of earnings (income) of the maintenance payer with regard to the circumstances laid down in Article 182 of this Code.

When establishing the amount of maintenance to be paid by one of the parents, the court considers the ability of the other parent, their wife, husband and their adult daughter, adult son to provide maintenance.

4) How and whom should maintenance be paid?

Under the provisions of the Family Code of Ukraine, the following persons are entitled to maintenance:

1. A spouse who is incapable of working and needs financial support on the condition that the other spouse has the means to provide it (Article 75 of the Family Code of Ukraine).

Under Article 76 of the Family Code of Ukraine, the dissolution of marriage does not terminate the right to maintenance acquired during the marriage.

After the dissolution of marriage, a person has the right to maintenance if that person became incapable of working before the dissolution of marriage or within a year from the date of the dissolution of marriage and needs financial support, on the condition that their former husband, former wife has the means to provide it.

A person is also entitled to maintenance if they become disabled more than one year after the date of the dissolution of marriage if their disability resulted from unlawful conduct by their former husband, former wife towards them during the marriage.

If at the moment of the dissolution of marriage the wife, the husband is no more than five years from a legally established retirement age, they will have the right to maintenance after reaching this retirement age, on the condition that they had lived together in marriage for at least ten years.

If, due to bringing up a child, keeping the household, caring for family members, being ill or any other significant circumstances, one of the spouses was unable to obtain an education, be employed, hold a comparable position, that spouse is entitled to maintenance if the marriage is dissolved, even if they are capable of working, on the condition that they need financial support and that their former husband, former wife has the means to provide it.

The right to maintenance, in this case, lasts for three years from the date of the dissolution of marriage.

Articles 77 and 78 of the Family Code of Ukraine establish that the maintenance for one of the spouses is provided by the other spouse in kind or financially, by agreement.

Maintenance by court order is, as a rule, awarded to one of the spouses financially.

Maintenance is paid on a monthly basis. By mutual consent, maintenance can be paid in advance.

The spouses also have the right to enter into a contract on providing maintenance to one of them, in which they may establish the terms, amount and frequency of maintenance payments.

The contract must be drawn up in writing and certified by a notary.

If one of the spouses fails to fulfil their obligations under the maintenance contract, maintenance may be recovered on the basis of an executory title by a notary.

2. A pregnant wife: under Article 84 of the Family Code of Ukraine, maintenance awarded to her is to be paid after the birth of the child without the need for any additional order.

The pregnant wife is entitled to maintenance whether or not she works and regardless of her financial situation, on the condition that the husband has the means to provide financial support.

The pregnant wife, as well as the wife with whom the child lives, are also entitled to maintenance if the marriage is dissolved.

3. A wife or a husband with whom the child lives (Articles 84, 86 of the Family Code of Ukraine).

Under Article 84 of the Family Code of Ukraine, the wife with whom the child lives is entitled to maintenance from her husband, the father of the child, until the child reaches the age of three.

If the child has physical or mental disabilities, the wife with whom the child lives is entitled to maintenance from her husband until the child reaches the age of six.

The wife with whom the child lives is entitled to maintenance whether or not she works and regardless of her financial situation, on the condition that the husband has the means to provide it.

The husband's right to maintenance if the child lives with him is established by Article 86 of the Family Code of Ukraine.

The husband with whom the child lives is entitled to maintenance from his wife, the mother of the child, until the child reaches the age of three.

If the child has physical or mental disabilities, the husband with whom the child lives is entitled to maintenance from his wife until the child reaches the age of six.

The husband with whom the child lives is entitled to maintenance whether or not he works and regardless of his financial situation, on the condition that the wife has the means to provide it.

The husband with whom the child lives is also entitled to maintenance after the dissolution of marriage.

4. One of the spouses, including a spouse who is capable of working but lives with and cares for a child with a disability who requires constant care, on the condition that the other spouse has the means to provide financial support (Article 88 of the Family Code of Ukraine).

Under Article 88 of the Family Code of Ukraine, if one of the spouses, including one who is capable of working, lives with and cares for a child with a disability who requires constant external care, they are entitled to maintenance, on the condition that the other spouse has the means to provide it.

The right to maintenance lasts for the entire period of living with and caring for a child with a disability and does not depend on the financial situation of the parent with whom the child lives.

The amount of maintenance to the spouse with whom the child with a disability lives is established through a judgement in accordance Article 80(1) of the Code, without regard to any maintenance being provided by their own parents, adult daughter or son.

If a woman and a man who are not married have lived as a family for a long time, the one of them who became incapable of working during their cohabitation is entitled to maintenance under Article 76 of the Code.

5. A woman and a man who are not married to each other if their common child lives with either of them (Article 91 of the Family Code of Ukraine).

The woman and the man who are not married to each other are entitled to maintenance if their child lives with her, him under Article 84(2)-(4), Article 86 and Article 88 of the Family Code of Ukraine.

6. Children and adult children who are incapable of working are entitled to maintenance from other family members and relatives if they have no parents (Chapter 22 of the Family Code of Ukraine).

Under Article 181 of the Family Code of Ukraine, the methods by which parents discharge their responsibility to maintain their child are established by agreement between them.

By agreement between the parents of the child, the parent who lives separately from the child may participate in their maintenance in kind or financially.

By court order, child support (alimony) is awarded as a share of the income of their mother, father or as a fixed amount, at the choice of the parent or other legal representative of the child with whom the child lives.

The method for the recovery of maintenance is established by a court order and may be changed by another order at the request of the maintenance recipient.

The child support received for the child is the property of the child (Article 179 of the Family Code of Ukraine).

Under Article 265 of the Family Code of Ukraine, grandparents are to maintain their minor and juvenile grandchildren if they have no parents or if their parents are unable to provide them with adequate maintenance, on the condition that the grandparents have the means to do so.

Article 267 of the Family Code of Ukraine establishes that adult siblings are to maintain their minor and juvenile siblings who need financial support if the latter have no parents, husband,

wife or if these persons are unable, for valid reasons, to provide them with adequate maintenance, on the condition that the adult siblings have the means to do so.

Adult siblings are to maintain other adult siblings who are incapable of working and who need financial support if the latter have no husband, wife, parents or adult daughter, adult son, on the condition that the adult siblings have the means to do so.

The responsibility of a step-parent to maintain their stepchild(ren) is established by Article 268 of the Family Code of Ukraine, by which the step-parent is to maintain their minor or juvenile stepchild(ren) who lives with them if the latter has no parents, grandparents, adult siblings, or these persons are unable, for valid reasons, to provide them with adequate maintenance, on the condition that the step-parent has the means to do so.

The court may release the step-parent from their responsibility to maintain their stepchild(ren) or limit it to a certain period of time, in particular in the case of: a short period of living with their mother, father; and/or inadequate conduct of the child's mother, father in the marital relationship.

Under Articles 269-272 of the Family Code of Ukraine, persons in whose family a child was raised are to provide that child with financial support if that child has no parents, grandparents, adult siblings, on the condition that these persons have the means to do so.

7. Adult children up to the age of 23 who continue their education and need financial support: until their graduation (Article 199 of the Family Code of Ukraine).

8. Parents who are incapable of working and need financial support (Articles 172, 202, 203 of the Family Code of Ukraine).

Under Articles 202, 203 of the Family Code of Ukraine, an adult daughter, an adult son is to maintain their parents who are incapable of working and need financial support.

If the mother, the father was deprived of their parental rights and these rights were not restored, the daughter, the son in relation to whom these rights were lost has no responsibility to maintain their mother, father.

Besides maintenance, the daughter, the son is to contribute to their parents' additional expenses caused by serious illness or infirmity.

If the adult daughter, the adult son does not take care of their parents who are incapable of working and are infirm, the care-related expenses may be recovered from them by court order (Article 172 of the Family Code of Ukraine).

9. A grandparent, a great-grandparent who is incapable of working, needs financial support and has no husband, wife, adult daughter, adult son or these persons are unable, for valid reasons, to provide them with adequate maintenance (Article 266 of the Family Code of Ukraine).

Adult grandchildren, adult great-grandchildren are to maintain their grandparents, great-grandparents who are incapable of working, need financial support and have no husband, wife, adult daughter, adult son or these persons are unable, for valid reasons, to provide them with adequate maintenance, on the condition that the adult grandchildren, the adult great-grandchildren have the means to do so.

10. A step-parent who is incapable of working and needs material support, relatives and other persons with whom the person lived as a family until that person reached the age of majority (Article 270 and Article 271 of the Family Code of Ukraine).

An adult stepdaughter, an adult stepson is to maintain their step-parent who is incapable of working and needs financial support if the latter regularly provided their stepchild with financial support for no less than five years, on the condition that the stepchild has the means to do so.

The responsibility of the stepchild to maintain their step-parent arises if their step-parent has no husband, wife, adult daughter, adult son, siblings, or if these persons are unable, for valid reasons, to provide them with adequate maintenance.

If a person lived with their relatives or other persons as a family until reaching the age of majority, that person is to maintain those relatives and other persons who are incapable of working and with whom they lived for no less than five years, on the condition that the person has the means to do so.

This responsibility arises if the one who needs financial support has no wife, husband, adult daughter, adult son, siblings or these persons are unable, for valid reasons, to provide them with adequate support.

During the enforcement proceedings, an enforcement agent transfers the recovered maintenance to the bank account or any other financial institution specified by a claimant in a written application or sends it to the claimant's postal address by postal order, with the expense being counted as part of the procedural costs.

If the enforcement agent does not have the information needed to transfer the recovered maintenance, it informs the claimant in writing of the need for the claimant to provide information on the method of transfer of the recovered maintenance, the bank account details or details of any other financial institution or of a non-bank payment service provider to receive the maintenance (if available) (Chapter XVI(2)7) of the Guidelines on the administration of enforcement of judgements (*Instruktsia z orhanizatsii prymusovoho vykonannya rishen*)).

5) Which public body awards maintenance in Ukraine (is it always the court)? What kind of maintenance is awarded by the court, and which type is awarded by another public body?

The types of maintenance specified in the question 4 "How and whom should maintenance be paid?" (points 1 to 10) can be awarded by the court or established by a maintenance contract made by the parties.

This contract must be certified by a notary. The parties to this contract may establish the amount of maintenance, the payment method and the frequency at their discretion.

6) How are child support and family maintenance calculated? Can a judgement be reviewed if the costs of living or family circumstances have changed? If yes, how (for example, by means of automatic adjustment by indexation)?

Article 182 of the Family Code of Ukraine provides that when determining the amount of child support the court considers:

- 1) the health and financial situation of the child;
- 2) the health and financial situation of the child support payer;
- 3) if the child support payer has other children, or a husband, wife, parents, daughter, son who are incapable of working;

3¹) if, based on ownership, possession and/or use, the child support payer has property and property rights, including movable and immovable property, money, exclusive rights to intellectual property, corporate rights;

3²) if the child support payer has expenditures proven by the child support claimant that include the purchase of immovable or movable property, the cost of which exceeds ten times the minimum subsistence figure for a person capable of working, and the child support payer failed to show the source of these funds;

- 4) other significant circumstances.

Child support is to be set at an amount sufficient and adequate to provide for the harmonious development of the child.

The minimum guaranteed amount of child support for one child may be no less than 50 percent of the minimum subsistence figure for the child of the respective age.

The minimum recommended amount of child support for one child is equal to the minimum subsistence figure for the child of the respective age and may be awarded by the court if the child support payer has sufficient earnings (income).

The court is not limited by the amount of earnings (income) of the child support payer if it determines the existence of expenditure that exceeds their earnings (income) and the child support payer fails to show the source of the funds used to cover this expenditure.

Under Article 183 of the Family Code of Ukraine, the court establishes the share of earnings (income) of the parent to be paid as child support.

If child support is recovered for two and more children, the court establishes the share of the earnings (income) of the parent to maintain them all, which is to be recovered until the eldest child reaches the age of majority.

If, after the eldest child has reached the age of majority, neither parent has brought a claim to the court to establish the amount of child support for the other child(ren), the child support is recovered with the deduction of a proportional share for the child who has reached the age of majority.

The parent or other legal representative of the child with whom the child lives has the right to file an application at the court to issue a court order to recover child support in the amount of one quarter of the child support payer's earnings (income) for one child, one third for two children, or half for three and more children, up to a maximum of ten minimum subsistence figures for a child of the respective age for each child.

Under Article 184 of the Family Code of Ukraine, the court establishes child support as a fixed monetary amount upon application by the child support recipient.

The amount of child support that has been established by the court or agreed upon between the parents as a fixed monetary sum is adjusted by indexation annually as laid down by law, unless the child support payer and recipient agree otherwise. At the request of the child support recipient, the court may carry out the adjustment by indexation for another period.

The parent or other legal representative of the child with whom the child lives has the right to file an application to the court to issue a court order to recover child support in the amount of 50 percent of the minimum subsistence figure for the child of the respective age.

It nevertheless needs to be noted that the court may later reduce or increase the amount of child support set by court order or agreed upon between the parents, following a claim by the child support payer or recipient if their financial situation or marital status has changed, the health of one of them has deteriorated or improved, and in other cases set out in the Code.

On determining the amount of other forms of family maintenance

Article 80 of the Family Code of Ukraine provides that maintenance is awarded to one of the spouses as a share of earnings (income) of the other spouse and/or as a fixed monetary amount.

The court establishes the amount of maintenance for one of the spouses with regard to the possibilities for them to be maintained by their adult daughter, adult son, parents and also with regard to other significant circumstances.

The court may subsequently modify the amount of maintenance it set at the request of the maintenance payer or recipient if their financial situation and/or marital status have changed.

Article 205 of the Family Code of Ukraine provides that the court sets the amount of maintenance for parents as a fixed monetary amount and/or as a share of earnings (income) with regard to the financial situation and marital status of the parties.

When establishing the amount of maintenance and additional expenses, the court considers if the other children, against whom no maintenance claim has been brought, the wife, the husband and their own parents can provide maintenance.

In exceptional cases, if the parent/-s are seriously ill or have disabilities and the child has sufficient income (earnings), the court may decide to recover from them, as a lump sum or in instalments over a set period of time, the expenses associated with treatment and care.

Under Article 272 of the Family Code of Ukraine, the amount of maintenance recovered from other family members and relatives for children and for adults who are incapable of working and need financial support is established as a share of earnings (income) or as a fixed monetary sum.

When establishing the amount of maintenance, the court considers the financial situation and marital status of the maintenance payer and recipient.

If the claim is not brought against all the responsible persons but only against some of them, the amount of maintenance is determined with regard to the responsibility of all the persons responsible for providing maintenance. The total amount of child support to be recovered for one child must in any case be sufficient and adequate to provide for the harmonious development of the child and may not be less than 50 percent of the minimum subsistence figure for a child of the respective age.

The minimum recommended total amount of child support for one child to be recovered from other family members and relatives equals the minimum subsistence figure for a child of the respective age and may be awarded by the court if the maintenance payer has sufficient earnings (income).

If the financial situation or marital status of the person paying maintenance or of the person receiving maintenance has changed, the court may modify the amount or discharge them from maintenance payments at the request of any party.

If there are other significant circumstances, the court may discharge the persons listed in Articles 267—271 of this Code from maintenance payments.

Under Article 192 of the Family Code of Ukraine, the court may reduce or increase the amount of child support established by court order or agreed upon between the parents, following a claim by the maintenance payer or recipient if their financial situation or marital status has changed, the health of one of them has deteriorated or improved, and in other cases provided by the Code.

Article 71, Part 1 of the Law of Ukraine “On Enforcement Proceedings” (*‘Pro vykonavche provadzhennia’*) provides that the procedure for recovering maintenance is determined by law. The enforcement agent recovers from the debtor the maintenance in the amount established by an executory title, but no less than the minimum subsistence figure laid down by the Family Code of Ukraine.

The enforcement agent carries out the adjustment by indexation of the amount of maintenance established as a fixed monetary sum in accordance with the procedure laid down by the Cabinet of Ministers of Ukraine, unless the executory title or the child support contract between the parents provide otherwise.

Adjustment by indexation of the amount of maintenance is carried out annually, starting from the second year after it has been established.

If the claimant themselves sends the executory title directly to an enterprise, an institution, an organisation, an individual entrepreneur or a natural person listed in Article 7, Part 1 of the Law, the amount of maintenance established as a fixed monetary sum is adjusted by indexation in line with the Law of Ukraine “On Adjustment by Indexation of Monetary Incomes of the Population” (*‘Pro indeksatsiiu hroshovykh dokhodiv naselennia’*), unless the executory title or the child support contract between the parents provided otherwise.

7) In the judgements given by the Ukrainian courts, the amount of maintenance often represents 1/4 of the wage or a proportion of the minimum subsistence figure.

a). How to get the information on the minimum subsistence figure ? (Is there an official page, does the Central Authority of Ukraine facilitate obtaining such information? If yes, based on what, etc.?)

Article 40, Part 1(9) of the Budget Code of Ukraine (*‘Biudzhetyi kodeks Ukrainy’*) provides that the Law on the State Budget of Ukraine (*Zakon pro Derzhavnyi biudzheth Ukrainy*) establishes, in particular, the amount of the minimum subsistence figure for the relevant budgetary period calculated per month per person and calculated separately for the main social and demographic population groups and the extent to which the minimum subsistence figure is ensured for the relevant budgetary period.

Article 41, Part 2(4) of the Code provides that until the Law on the State Budget of Ukraine for the current period enters into force, the social standards and the social guarantees including the minimum subsistence figure, the extent to which it is to be ensured, the minimum wage, the

allowances, the compensations and the guarantees to the population for the current budget period shall be applied in the same amounts and on the same conditions that were in force in December of the previous budget period.

Under Article 4, Part 3 of the Law of Ukraine “On the Minimum Subsistence Figure” (*‘Pro prozhytkovy minimum’*), the minimum subsistence figure per person and separately for persons belonging to the main social and demographic population groups is to be approved annually by the Verkhovna Rada of Ukraine by adopting the Law of Ukraine “On the State Budget of Ukraine” for the relevant year.

The information on the minimum subsistence figure is available in the Law of Ukraine “On the State Budget of Ukraine” for the relevant year at the Verkhovna Rada of Ukraine website <https://www.rada.gov.ua/> under “Legislation” (*‘Zakonodavstvo’*).

If needed, the requesting body may ask the Ministry of Justice of Ukraine to provide information on the minimum subsistence figure.

Under Article 6(g) of the 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, Central Authorities shall facilitate the obtaining of documentary or other evidence that is necessary to consider applications and is listed in Article 10 of the Convention.

Thus, when the Ministry of Justice of Ukraine receives a request from the Central Authority of a foreign state, it provides it with the information on the minimum subsistence figure for the children of the respective age groups.

b. How to receive official information on the debtor's monthly wage? Does the Central Authority of Ukraine facilitate the obtaining of such information?

Within the framework of enforcement proceedings, the enforcement agent receives official information about the debtor's monthly wage by means of submitting inquiries, requests or other types of procedural documents as provided by the Law of Ukraine "On Enforcement Proceedings" and other regulations.

The 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance provides that Central Authorities are to help obtain relevant information concerning the income and, if necessary, other financial circumstances of the debtor and creditor, including the location of assets.

However, such information can be provided only upon letters of request. When the Ministry of Justice of Ukraine receives a request for information on the income of a person, it organises enforcement in Ukraine in its capacity of the Central Authority.

8) Is it possible to obtain an official statement on the amount of current monthly child support and/or maintenance arrears? If yes, who can request such a statement: only the creditor/debtor or also a foreign authority? Who is authorised to issue such statements and can the Central Authority of Ukraine facilitate their obtaining?

Under Article 71, Part 4 of the Law of Ukraine “On Enforcement Proceedings”, the enforcement agent must calculate the amount of maintenance arrears on a monthly basis and to adjust by indexation the amount of maintenance in line with part 1 of the same Article.

The enforcement agent has to inform the creditor and the debtor about the arrears when:

- 1) an executory title has been received from the creditor;
- 2) an application has been filed by the creditor or by the debtor;

3) a resolution has been sent to an enterprise, an institution, an organisation, an individual entrepreneur or a natural person who pays the debtor the wage, pension, scholarship or other types of remunerations respectively;

4) an executory title has been sent to another state executive service based on the scope of its competence;

5) the enforcement proceedings have terminated.

This Article, Part 13 of the Law provides that at the creditor's request, the state enforcement service or a private enforcement agent is to issue a statement on maintenance arrears within three working days in the circumstances laid down by law.

The statement on maintenance arrears is valid for one month from the date of its issue.

The Ministry of Justice of Ukraine is to establish the format of the statement.

Under Chapter XVI(7) of the Guidelines on the administration of enforcement of judgements, when the state enforcement service or a private enforcement agent receives an application by the creditor to issue a statement on maintenance arrears, within three working days the mentioned service or agent has to issue the statement on maintenance arrears certified by an official stamp of the state enforcement service or of the private enforcement agent.

To issue the statement, the enforcement agent calculates the amount of maintenance arrears from the date the executory title has been notified. If the total amount of maintenance arrears from the day on which the executory title was submitted until its enforcement is less than the amount of correspondent payments for three months, the state enforcement service or the private enforcement agent informs the creditor in writing of the refusal to issue the statement and provide them with the calculation of the arrears.

9) In the cases on awarding child support, official information about the child's parents may be required. Under Article 6(2)g) of the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, can the Central Authority of Ukraine facilitate the obtaining of documents in these cases?

The information on the place of registration of a person on the territory of Ukraine may be provided when a request under the 2007 Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance has been received. All other information — on the income, financial circumstances, property, and/or marital status of a natural person, etc.—may be obtained only on the grounds of a court order issued in line with an international treaty, in particular the 1970 Convention on the Taking of Evidence Abroad in Civil and Commercial Matters.

10) How to ascertain the address of the person obliged to pay maintenance (debtor)? Can the Central Authority of Ukraine provide other Central Authorities with the debtor's address upon a request to take appropriate specific measures under Article 7 of the 2007 Hague Convention? How long does it usually take to receive a response to the request to take appropriate specific measures (e.g. Does the Central Authority have direct access to such data or it needs to request this information from a specific registry, etc., which takes time)?

Article 4 of the Law of Ukraine “On Enforcement Proceedings” lays down the mandatory requirements for the executory title.

Under this Article, Part 1(3) of the Law, the executory title includes: full name (for legal persons) or surname, name and patronymic name, if applicable (for natural persons) of the creditor and debtor, their legal address (for legal persons) or address/place of residence (for natural persons), date of birth of the debtor (for natural persons).

Under Article 19 of this Law of Ukraine, under relevant circumstances, the parties are to notify the enforcement agent in writing immediately, no later than the next working day, if the debtor independently executed the judgement in full or in part; if there are circumstances that lead to the mandatory suspension of enforcement; if a deferral has been granted or an instalments plan has been set up; if the method and procedure of enforcement of the judgment have been modified; if

the place of residence or stay (including their registration) or the legal address have changed; and if the debtor (natural person) has changed their place of employment.

Article 18, Part 3(3) of this Law of Ukraine provides that to protect the interests of the creditor during the enforcement proceedings, the enforcement agent has the right to obtain free of charge clarifications, statements and other types of information, including confidential information, from the state authorities, enterprises and organisations regardless of their ownership, as well as from officials, parties and other participants in the proceedings.

In addition, under this Article, Part 5 of the Law, during the enforcement of judgement the enforcement agent has the right to directly access information, including confidential information, in public data bases and registries, including those in electronic form, relating to debtors, their property, income and funds.

Under Article 36, Part 1 of this Law of Ukraine, if there is no information on the place of residence or stay of the debtor who is a natural person, or of the child, in the case of executory title to remove the child, the enforcement agent requests the court to issue a search warrant for the debtor or for the child.

If the Ministry of Justice of Ukraine receives a request by the Central Authority of a foreign state to ascertain the address of a person on the territory of Ukraine in line with the objectives of the 2007 Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, the Ministry takes appropriate measures.

In particular, the Central Authority sends a request to the State Migration Service of Ukraine or the registration authorities, as it itself has no access to the registry. The consideration of such requests takes between one to two months (Chapter I(8)2) paragraph 2 of the Guidelines on the Implementation in Ukraine of the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance, Order of the Ministry of Justice of Ukraine of 15 September 2017 № 2904/5 (*Instruktsia pro vykonannia v Ukraini Konventsii pro mizhnarodne stiagnennia alimentiv na ditei ta inshykh vydiv simeinoho utrymannia vid 15.09.2017 № 2904/5*).

The request is to include the person's surname, name and patronymic name, their date of birth and, if possible, their place of birth, and their last known place of residence.

Apart from this, pursuant to Article 11 of the Law of Ukraine "On Information" (*Pro informatsiu*), it is not permitted to collect, store, use or disseminate confidential information about a person without their consent, except in the cases established by law, and only in the interests of national security, economic well-being and the protection of human rights. The confidential information on the natural person includes, in particular, data on their ethnicity, education, marital status, faith, health as well as their address and date and place of birth.

The request must therefore specify the purpose for which this information is sought.

11) If the person with the maintenance obligation (debtor) does not pay maintenance voluntarily, what measures can be taken to enforce them to pay?

The procedure for the recovery of maintenance is laid down by Article 71 of the Law of Ukraine "On Enforcement Proceedings".

If the total amount of maintenance arrears exceeds the amount due for three months, the recovery can be garnished from the debtor's property.

The recovery garnished from the salary does not prevent recovery from being garnished from the debtor's property, if the total amount of outstanding arrears exceeds the amount of payments due for three months.

If the total amount of maintenance arrears exceeds the amount of corresponding payments due for four months, the state enforcement agent takes argued decisions to:

1) suspend the debtor's right to travel outside Ukraine until the maintenance arrears have been paid in full;

2) suspend the debtor's right to a driving license until the maintenance arrears have been paid in full;

3) suspend the debtor's right to use hunting, pneumatic and deactivated firearms, or domestically produced devices for firing cartridges equipped with rubber or similar non-lethal projectiles, until the maintenance arrears have been paid in full;

4) suspend the debtor's right to a hunting license until the maintenance arrears have been paid in full. If child support is paid to maintain a child with a disability, a child with severe perinatal injuries of the nervous system, severe congenital disorders, a rare orphan disease, oncological or oncohematological diseases, cerebral palsy, severe mental disorders, type I diabetes (insulin dependent), acute or chronic kidney disorders of stage IV or to maintain a child with serious injuries who needs organ transplantation, palliative care, the state enforcement agent takes the above decisions when the amount of maintenance arrears exceeds the amount of payments due for three months.

It must be noted that under Chapter XIII(10)²¹ of “Final and transitional provisions” of the Law, resolutions issued by the state enforcement agents to suspend debtors' right to use hunting, pneumatic and deactivated firearms and domestically produced devices for firing cartridges equipped with rubber or similar non-lethal projectiles have been suspended until martial law on the territory of Ukraine has been terminated or repealed.

If the total amount of maintenance arrears exceeds the amount of pertinent payments due for one year, the enforcement agent takes a decision to fine the debtor in the amount of 20 percent of the amount of maintenance arrears.

If the total amount of maintenance arrears exceeds the amount of pertinent payments due for two years, the enforcement agent takes a decision to fine the debtor in the amount of 30 percent of the amount of maintenance arrears.

If the total amount of maintenance arrears exceeds the amount of pertinent payments due for three years, the enforcement agent takes a decision to fine the debtor in the amount of 50 percent of the amount of maintenance arrears.

In the future, if the amount of the debtor's maintenance arrears exceeds the total amount of pertinent payments due for one year, the enforcement agent takes a decision on the amount of the fine as established by paragraph 1 of this Part. The amounts of fines established by this Part are to be recovered from the debtor under the procedure laid down by this Law and to be transferred to the creditor (Article 71, Part 14 of the Law of Ukraine “On Enforcement Proceedings”).

In addition, Article 183¹ of the Code of Ukraine on Administrative Offences (*Kodeks Ukrainy pro administratyvni pravoporushennia*) establishes administrative liability for the non-payment of maintenance.

Thus, if the debtor's actions constitute an administrative offence under Article 183¹ of the Code of Ukraine on Administrative Offences, the state enforcement agent draws up a protocol for the administrative offence and submits it to a court whose jurisdiction covers the legal address of the state enforcement service. Article 164 of the Criminal Code of Ukraine (*Kryminalny kodeks Ukrainy*) provides for criminal liability for child support payment evasion. Article 477, Part 1 of the Criminal Procedure Code of Ukraine defines a private prosecution as a criminal proceeding initiated by an investigator or a prosecutor based only on the victim's application regarding criminal offences established, in particular, in Article 164, Part 1 of the Criminal Code of Ukraine. Thus, the creditor has the right to submit to the law-enforcement authorities a complaint in connection with the criminal offence established by the mentioned Article of the Criminal Code of Ukraine.

12) Could you please briefly describe any restrictions on enforcement, including legal rules on debtor protection and the statute of limitations in Ukrainian enforcement system?

Articles 34, 35 of the Law of Ukraine “On Enforcement Proceedings” establish the grounds and time periods for suspending enforcement actions within the enforcement proceedings.

The provisions of Article 48 of this Law prohibit garnishment from and seizure of funds on a single bank account opened in line with the procedure under Article 35¹ of the Tax Code of Ukraine (*Podatkovy kodeks Ukrainy*), on current bank accounts with a special regime of use opened

under Article 8, Part 2(1) of the Law of Ukraine “On Compensation of Damage and Destruction of Certain Categories of Real Estate Objects as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine and the State Registry of Property Damaged and Destroyed as a Result of Hostilities, Terrorist Acts, Sabotage Caused by the Armed Aggression of the Russian Federation against Ukraine” (*Pro kompensatsiu za poshkodzhene ta znyshchene vnaslidok boiovykh dii maino [...]*), or on the debtor's funds on other bank accounts whose seizure and/or garnishment are/is prohibited by law. In addition, under Article 48, Part 7 of this Law, if the amount to be recovered under the enforcement proceedings does not exceed 20 minimum wages, the sole residence of the debtor and the plot of land on which this residence is located are not to be garnished. In this case, the enforcement agent is to take measures to enforce the decision at the expense of other types of the debtor's property.

Also, Article 73 of the Law of Ukraine “On Enforcement Proceedings” provides a list of funds that are not subject to garnishment:

1. The following payments may not be garnished:
 - 1) redundancy payments paid if an employee has been dismissed;
 - 2) compensation to an employee of expenses incurred due to their transfer, work assignment in another area or business trip;
 - 3) field provision, benefits, other funds paid instead of daily and accommodation allowances;
 - 4) material assistance to persons deprived of unemployment benefits;
 - 5) pregnancy and childbirth allowance;
 - 6) lump-sum childbirth allowance;
 - 7) child adoption allowance;
 - 8) allowance for children under guardianship or care;
 - 9) child allowance for single mothers;
 - 10) allowance for carers of three or more children under the age of 16; allowance for carers of a child with a disability; allowance for temporary incapacity to work for carers of a sick child; and other child allowances provided by law;
 - 11) medical treatment allowance;
 - 12) funeral allowance;
 - 13) monthly financial assistance related to the restricted consumption of food produced locally and at personal farms for citizens residing on the territory subjected to radioactive contamination;
 - 14) lunch subsidies and rehabilitation and respite home vouchers provided by the consumption fund.
2. The following payments may also not be garnished:
 - 1) non-taxable amount of material assistance;
 - 2) monetary compensation for provided uniform and in-kind supply;
 - 3) outgoing allowance in case of dismissal (resignation) from the military service, police service and State Criminal-Executive Service of Ukraine as well as monetary support that is not of a permanent nature and in other cases provided by law;
 - 4) lump-sum financial assistance in case of death, disability or partial incapacity to work without an awarded disability category for military personnel, persons liable for military service and reservists called for military (or testing) exercises and special drills or for service in the military reserve;
 - 5) monetary assistance related to free prosthetics (orthotics) provided to a participant of the anti-terrorist operation, a participant of the national security, defence, resistance and deterrence measures against the armed aggression of the Russian Federation in the Donetsk and Luhansk regions who have lost their limb functions, or charitable assistance received by these persons, regardless of its size and source of origin.

13) Can public or private organisations make advance maintenance payments, in full or in part, in place of the debtor while they are in Ukraine?

The effective legislation of Ukraine does not provide for public or private organisations to make advance maintenance payments, in full or in part, in place of the debtor while they are in Ukraine.

14) Are there any additional costs related to filing a claim at the court or to enforcement proceeding? If so, how high can they be? If the financial resources are insufficient, is it possible to obtain legal aid to cover the costs of court proceedings or the costs during enforcement proceedings?

Ukrainian legislation does not provide for the creditor to pay any costs when presenting an executory title to enforce the recovery of maintenance.

However, under Article 43 of the Law of Ukraine “On Enforcement Proceedings”, the enforcement agent may incur expenses other than those established by the Ministry of Justice of Ukraine for the purpose of ensuring the enforcement proceedings, provided the creditor makes a mandatory advance payment.

Once the enforcement proceedings have been completed or the executory title has been returned to the creditor, the creditor receives the advance payment back, unless the Law provides otherwise.

When submitting an application to the Ministry of Justice of Ukraine under the 2007 Convention on the International Recovery of Child Support and Other Types of Family Maintenance, the applicant must attach the information about their financial situation.

The Ministry of Justice processes the applications and transfers them, through the Coordination Centre for Free Legal Aid (*Koordynatsiiny tsestr z nadannia bezoplatnoi pravnychoi dopomohy*), to regional centres for free secondary legal aid.

Under the 2007 Hague Convention, consideration of applications does not incur court costs, except for applications to establish paternity.

For applications to establish paternity, a court fee is due in the amount of 0.4 of the minimum subsistence figure for persons capable of working (Article 4, Part 2(2)3) of the Law of Ukraine “On Court Fees” (*Pro sudovy zbir*)).