Family maintenance

Lotyšsko

1 What do the concepts “maintenance” and “maintenance obligation” mean in practical terms? Which persons have to pay a maintenance allowance to another person?

Latvian national legislation does not provide a comprehensive definition of maintenance; but there is a common understanding of specific issues concerning the maintenance of another person. For example, the maintenance of a child means the expenditures that each and every parent is obliged to provide for the child, regardless of the parent’s financial situation. The minimum amount of child maintenance has been laid down by the Government (*Ministru kabinets*, ‘Cabinet of Ministers’). The definition of child maintenance is set out in the Maintenance Guarantee Fund Law.

For many questions relating to maintenance obligations — which may be referred to by different names, such as ‘maintenance’ (*uzturlīdzekļi*) or ‘resources to ensure the previous level of welfare’ (*līdzekļi iepriekšējā labklājības līmeņa nodrošināšanai*) — the common understanding is based on case-law developed in court judgments. For example, it is generally accepted that between spouses maintenance means long-term financial aid provided by one spouse to another whose material circumstances have declined.

Persons liable to pay maintenance:

Parents are liable to their children

A child’s parents are obliged to provide maintenance for the child until the child is able to support itself. The obligation to maintain the child consequently does not end with the child’s coming of age. However, a court may assess whether a claim for maintenance should be granted if the child has come of age, and discontinues education or professional training, and is able to provide for himself or herself through his or her own work but fails to do so. It should be borne in mind that the obligation of parents to provide maintenance for their children has to be commensurate to the financial circumstances of the parent. Nevertheless, every parent has an obligation to provide the minimum amount of maintenance laid down by the Government, regardless of his or her financial situation. The obligation to support the child is binding regardless of whether the child resides with either or both of the parents or lives separately.

To provide maintenance for a child means to provide it with food, clothing, housing and health care, personal care, education and childrearing (ensuring both mental and physical development with due regard to the child’s personality, skills and interests, and preparing the child for useful work in society).

Children are liable to their parents

The obligation of children to provide maintenance for their parents is incumbent upon all the children in equal measure. If the financial circumstances of the children are unequal, a court may define their obligations, commensurate to the financial situation of each child.

One spouse is liable to the other spouse

If the marriage is annulled, and only one of the former spouses was aware that the marriage was open to annulment at the time of its conclusion, the other spouse, who was not so aware, is entitled to claim from the first spouse resources commensurate to the first spouse’s financial circumstances in order to ensure the other spouse’s previous level of welfare. Upon or after a divorce, likewise, one former spouse may claim from the other former spouse resources commensurate to the other spouse’s financial circumstances in order to ensure the claimant’s previous level of welfare.

There is no obligation to provide a former spouse with the resources to ensure the previous level of welfare if:

the time that has passed since the divorce or the annulment of the marriage is equal to the duration of the former marriage or the duration of cohabitation in the marriage that has been annulled;

the former spouse has remarried;

the income of the former spouse covers that spouse’s maintenance;

the former spouse forgoes maintenance through his or her own work;

the former spouse under an obligation to provide maintenance has not got sufficient means of subsistence or has become incapable of working;

the former spouse has committed a criminal offence against the other former spouse or against the life, health, freedom, property or honour of the other spouse’s relatives in the ascending or descending line;

the former spouse has left the other former spouse in a helpless state even though it was possible for him or her to provide assistance;

the former spouse has intentionally initiated a false accusation for a criminal offence against any of the persons referred to in point 6;

the former spouse has been living immorally or wastefully;

either spouse dies or is deemed to have died;

there are other important reasons.

Grandparents are liable to grandchildren

If there are no parents, or they are unable to maintain the child, this obligation lies upon the grandparents in equal measure. If the financial circumstances of the grandparents are unequal, a court may define their obligations, commensurate to the financial situation of each grandparent.

Grandchildren are liable to their grandparents

The obligation to maintain grandparents, if necessary, likewise lies upon all the grandchildren in equal measure. If the financial circumstances of the grandchildren are unequal, a court may define their obligations to maintain their grandparents, commensurate to the financial situation of each grandchild.

Maintenance obligations on the basis of a maintenance contract

Parties may agree to provide maintenance on the basis of a maintenance contract. Pursuant to a maintenance contract, one party provides the other party with some material benefit, whether in cash or in kind, and in return the other party undertakes to maintain the first party during his or her lifetime, unless a different duration is agreed. Unless otherwise agreed, maintenance includes food, housing, clothing and care; if the recipient of maintenance is a minor, it also includes upbringing and education at a primary educational establishment.

Maintenance obligation arising from personal injury

If a person who has an obligation to provide maintenance for some other person dies as a result of a personal injury, the obligation passes to the person liable for the injured party’s death. The amount of such compensation is at the discretion of the court, taking into account the age of the deceased person, his or her ability to support himself or herself before death and, finally, the needs of the person for whom maintenance is to be provided. If the person for whom maintenance is to be provided has sufficient means of subsistence there is no claim.

2 Up to what age can a child benefit from a maintenance allowance? Are there different rules for maintenance concerning minors and adults?

A child's parents are obliged to provide maintenance for the child until the child is able to support itself. The obligation to maintain the child consequently does not end with the child's coming of age. However, a court may assess whether a claim for maintenance should be granted if the child has come of age, and discontinues education or professional training, and is able to provide for himself or herself through his or her own work but fails to do so.

Latvian legislation does not define what constitutes the resources that will ensure the other spouse's previous level of welfare. Neither does it define what is required by the obligation toward parents or grandparents.

Latvian legislation does define child maintenance, as providing the child with food, clothing, housing and health care, personal care, education and childrearing (ensuring both mental and physical development with due regard to the child's personality, skills and interests, and preparing the child for useful work in society). The extent of maintenance depends on the child's entitlement to appropriate living conditions and the child's actual needs.

3 Should I apply to a competent authority or a court to obtain maintenance? What are the main elements of this procedure?

In order to secure any form of maintenance the claimant has to apply to a court in accordance with a procedure stipulated in the Civil Procedure Law. The claimant has to submit an application and other necessary documents to the court.

A child's parents may have entered into an agreement, in the form of a notarial act (*notariāls akts*), providing for monthly maintenance payments. Such an agreement is a civil transaction, which has legal consequences, in that it binds both parties to respect and comply with the provisions of a legally formulated contract. If one of the child's parents fails to comply with an agreement on fixed or periodic maintenance payments, the agreement may be submitted to the court bailiff (*tiesu izpildītājs*) for enforcement.

Latvia has established a Maintenance Guarantee Fund (*Uzturlīdzekļu garantiju fonds*) designed to provide maintenance for minor children from the central government budget. The holder of the assets is the Administration of the Maintenance Guarantee Fund (*Uzturlīdzekļu garantiju fonda administrācija*). The Administration of the Fund is directly subordinated to the Ministry of Justice.

Maintenance can be obtained from the Maintenance Guarantee Fund, provided that the recovery of maintenance is first attempted via court proceedings: if the claim cannot be enforced, the creditor may then apply to the Administration of the Fund.

The Administration of the Fund advances maintenance allowances only if the enforcement of a court decision ordering recovery of maintenance in accordance with the applicable civil procedure has been declared impossible, or if the debtor complies with a court decision ordering recovery, but fails to provide the minimum amount of maintenance laid down by the Government.

The Administration of the Fund has a duty to act as enforcer of a debt against the debtor, without any special court decision being needed, for the amount of any maintenance allowance disbursed by the Fund.

The procedure for obtaining a maintenance allowance from the Administration of the Maintenance Guarantee Fund is as follows:

The applicant – the child maintenance creditor - may apply directly to the Administration of the Fund, submitting an application and the following documents:

a copy of the court decision granting maintenance;

a certificate issued by a bailiff confirming that it has proved impossible to enforce a decision awarding maintenance against the debtor, or that the debtor has complied with the court decision requiring recovery of maintenance, but has failed to provide the minimum amount of maintenance laid down by the Government; such a certificate must be submitted to the Administration of the Fund within one month from the date of its issue;

if maintenance is claimed through an authorised representative, a document certifying the authorisation.

4 Can a request be made on behalf of a relative (if yes, what grade), or a child?

Yes, an authorised representative may bring a claim on behalf of a relative or a close relation. In the case of minor children, the claim may be brought by their legal representatives, i.e. their parents or guardians.

5 If I plan to bring the case to court, how do I know which court has jurisdiction?

The rules on jurisdiction provide that the court with jurisdiction for the recovery of maintenance of whatever kind is the district or city court (*rajona (pilsētas) tiesa*).

In Latvia, the court has jurisdiction under the following:

Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations ('the Maintenance Regulation');

bilateral and multilateral treaties binding on the Republic of Latvia;

the Civil Procedure Law, if the provisions of the Maintenance Regulation or the provisions of bilateral and multilateral treaties binding on the Republic of Latvia are not applicable.

The Civil Procedure Law provides that the following Latvian courts have jurisdiction in maintenance claims:

an action may be brought in the court of the place where the defendant has his or her place of residence;

if the defendant's place of residence is unknown, or the defendant has no permanent place of residence in Latvia, an action may be brought in the court of a place where he or she has immovable property, or the court of his or her last known place of residence;

an action regarding the recovery of maintenance for a child or a parent may also be brought in the court of the place of residence of the plaintiff;

an action for maintenance obligations arising from personal injury may also be brought in the place of residence of the plaintiff or the place where the injury was inflicted.

6 As an applicant, do I have to go through an intermediary to bring the case to court (e.g. a lawyer, central or local authority, etc.)? If not, which procedures apply?

In order to bring an action and lodge a claim with the court, the applicant does not have to use the services of a lawyer or any other intermediary. Neither does the applicant have to pursue any form of reconciliation prior to the examination of the case in court.

However, in preparing a case for trial, the judge must strive to reconcile the parties. The parties are therefore encouraged to come to a mutual agreement prior to the examination of the case in court.

It must also be emphasised that the parties may agree on maintenance claims without bringing the case to court.

7 Do I have to pay fees to bring a case to court? If so, how much are they likely to be? If my financial means are insufficient, can I obtain legal aid to cover the costs of the procedure?

According to Article 43(1) of the Civil Procedure Law, the following persons are exempt from the payment of court costs to the State (State fee (*valsts nodeva*), chancery fee (*kancelejas nodeva*) and procedural costs (*ar lietas izskatīšanu saistītie izdevumi*)):

plaintiffs in claims for the recovery of maintenance payments for a child or parent, and claims for the determination of paternity if the claim is brought together with a claim for the recovery of maintenance for a child;

applicants in matters relating to the recognition, or the recognition and enforcement, of a foreign decision on the recovery of maintenance payments for a child or parent;

plaintiffs, in regard to claims arising from personal injuries which result in mutilation or other damage to health or the death of a person;

defendants in matters relating to the reduction of maintenance awarded by a court to a child or a parent and the reduction of maintenance payments that the court awarded on a claim arising out of personal injuries that result in mutilation or other damage to health, or death;
Article 34(1) of Latvia's Law on Civil Procedure provides that a statement of claim (*prasības pieteikums*) may be an original claim or a counter-claim, an application submitted in a case already pending by a third party with an independent claim in respect of the subject-matter of the dispute, an application in a special adjudication procedure, or another application submitted to the court that is provided for in the relevant legislation; for any statement of claim a State fee is payable, as follows:
up to €2 134: 15% of the amount claimed, but not less than €70;
from €2 135 to €7 114: €320 plus 4% of the amount claimed in excess of €2 134;
from €7 115 to €28 457: €520 plus 3.2% of the amount claimed in excess of €7 114;
from €28 458 to €142 287: €1 200 plus 1.6% of the amount claimed in excess of €28 457;
from €142 288 to €711 435: €3 025 plus 1% of the amount claimed in excess of €142 287;
more than €711 435: €8 715 plus 0.6% of the amount claimed in excess of €711 435.
In maintenance recovery cases the amount claimed is deemed to be the total to be paid for one year.
In Latvia, legal aid to foreign claimants or applicants who are entitled to legal aid under the Maintenance Regulation is provided by the central authority established in accordance with the Regulation, which is the Administration of the Maintenance Guarantee Fund. The Administration of the Maintenance Guarantee Fund provides legal aid and representation before Latvian courts and enforcing bodies to domestic maintenance creditors and to foreign creditors entitled to legal aid under the Regulation.
In cases not provided for in the Maintenance Regulation, the Latvian State grants legal aid to a person whose special situation or whose assets and income prevent him or her from ensuring the protection of his or her rights. Legal aid is granted in accordance with the State Legal Aid Law.
Legal aid is available for the expenses of drawing up procedural documents, legal consultations during legal proceedings, and representation in court. In cross-border disputes, in addition to the aid mentioned above, a person also has the right to receive the services of an interpreter, the translation of certain in-court or out-of-court documents or documents submitted by the claimant which are necessary for adjudicating the case, and in certain cases even the payment of expenses for travel to court sittings. The State does not cover the court costs. Court costs include the State fee, the chancery fee and procedural costs, such as sums payable to the witnesses and experts, expenses related to the questioning of witnesses, expenses related to the delivery of a copy of the claimant’s application and the writ of summons, etc. However, the court, after considering a person’s material circumstances, may exempt him or her partly or fully from the payment of court costs to State revenue, or allow payment by instalments.

8 What kind of maintenance is likely to be granted by the court? How is the amount of maintenance calculated? Can the court's decision be revised, if living costs or family circumstances change? If yes, how (e.g. by means of an automatic indexation system)?

When the court grants maintenance for a child, it may grant it in the form of a fixed sum, or in another form, e.g. food, clothing, housing etc., or both.
In assessing and granting a definite amount of maintenance, the court will first take into account the material situation of the parties, their living conditions, and their family circumstances, giving due consideration to the evidence they produce.
When adjudicating the recovery of maintenance for a child, the court will assess all the circumstances and evidence in the case and determine the amount of maintenance. The minimum amount of maintenance, which every parent is liable to provide, in accordance with the regulations laid down by the Government, for every child every month from the moment of its birth until it reaches the age of 7 years, is 25% of the minimum monthly remuneration laid down by the Government; for every child from the age of 7 years until it reaches the age of 18 years, it is 30% of the minimum monthly remuneration laid down by the Government.
Once maintenance has been granted, any change to the amount and the payment period, and any exemption from payment, require a fresh application by the party concerned. The court may then review the amount of maintenance payments, in fresh proceedings, on the basis of changes in the material situation and the family circumstances of the parties concerned, and adjust the payments upwards or downwards.

9 How and to whom will the maintenance be paid?

The maintenance debtor must pay maintenance to the maintenance creditor. If a claim on behalf of a minor child is brought by one of its parents or its guardian, maintenance is paid to him or her instead of the child. Traditionally, maintenance is paid on a periodic basis in definite amounts, for example in the form of salary deductions; less often it takes other forms.

10 If the person concerned (debtor) doesn't pay voluntarily, what action can be taken in order to force him/her to pay?

If the debtor fails to pay maintenance on a voluntary basis, the person in favour of whom it has been granted has to obtain an enforcement order (*izpildu raksts*) from the court in which the case was adjudicated. That enforcement order, or an enforcement order drawn up in another Member State of the European Union, must be submitted for enforcement to a bailiff (*tiesu izpildītājs*) within 10 years after the court decision or the ruling of the judge has entered into force, except where other limitation periods apply (if periodic payments are recovered as a result of a court judgment, the enforcement order remains in effect for the whole period for which the periodic payments have been adjudged, and the limitation period runs from the final day for each payment.). The bailiff commences compulsory enforcement pursuant to an application in writing by the party seeking enforcement. The bailiff must accept the enforcement order if either the place of residence of the debtor or the location of his or her property or workplace falls within the bailiff’s district (*iecirknis*). The bailiff may also accept other enforcement orders which are to be enforced within the area within the jurisdiction of the regional court (*apgabaltiesa*) to which the bailiff is attached, which is the area in which the bailiff has power to act.
Compulsory enforcement measures include: recovery directed against movable property belonging to the debtor, including property in the possession of other persons, and intangible property belonging to the debtor, by the sale thereof; recovery directed against money due to the debtor from other persons (remuneration for work, payments equivalent thereto, other income of the debtor, deposits in credit institutions); recovery directed against immovable property belonging to the debtor, by sale thereof; or other measures set out in the judgment.

11 Please describe briefly any limitations on enforcement, in particular debtor protection rules and limitation or prescription periods in your enforcement system.

According to Article 570 of the Civil Procedure Law, recovery may not be enforced against the debtor’s property if the debtor is working, or receives a pension or a scholarship, and the amount to be recovered does not exceed that part of a monthly income against which recovery may be enforced pursuant to law. The Civil Procedure Law specifies categories of property against which recovery may not be directed, e.g. certain home appliances, household equipment, or the necessary clothing of the debtor and family members who are his or her dependants. Pursuant to Article 594 of the Civil Procedure Law, until the debt to be recovered is discharged, deductions are to be made in accordance with the enforcement documents from remuneration for work and payments equivalent thereto, paid to the debtor, subject to the following:
In maintenance recovery cases for the nutrition of minor children or for the benefit of the Administration of the Maintenance Guarantee Fund, a proportion of the work remuneration of the debtor and payments equivalent thereto equal to 50% percent of the minimum monthly wage must remain intact, and for each dependent minor child resources must be left intact equal to the amount of the State social security benefit.

In other maintenance recovery cases the sum deducted from the work remuneration of the debtor and payments equivalent thereto can amount to 50%, but the minimum monthly wage must be left intact, and for each dependent minor child resources must be left intact equal to the amount of the State social security benefit.
Pursuant to Article 632 of the Civil Procedure Law, a judgment creditor or a debtor may submit a substantiated complaint challenging the actions of a bailiff in enforcing a judgment, or the refusal of a bailiff to perform such actions, except in specific situations; the complaint must be lodged with the district or city court of the place where the bailiff's office is located within 10 days from the date when the actions challenged took place, or, if the complainant was not notified of the time and place of the actions to be taken, the date when the complainant learned of such actions. Pursuant to Article 634 of the Civil Procedure Law, if a judgment that has already been enforced is then set aside, and upon readjudication of the matter a judgment is rendered dismissing the claim, or a decision is taken to terminate court proceedings or to leave the matter unadjudicated, the enforcement of the judgment is reversed, and everything which has been recovered from the defendant for the benefit of the plaintiff pursuant to the judgment now set aside must be returned to the defendant.
Pursuant to Article 546 of the Civil Procedure Law, enforcement documents may be submitted for compulsory enforcement within 10 years from the date when an adjudication by a court or a judge enters into force, provided that no other limitation periods are laid down out by law. If periodic payments are recovered as a result of a court judgment, the enforcement document remains in effect for the whole period for which the periodic payments have been adjudged, and the limitation period runs from the final day for each payment.

12 Is there an organisation or an authority which can help me to recover maintenance?

A person may apply to the Administration of the Maintenance Guarantee Fund in order to receive maintenance for a minor if the enforcement of a court decision ordering recovery of maintenance in accordance with the applicable civil procedure has been declared impossible, or if the debtor complies with a court decision ordering recovery, but fails to provide the minimum amount of maintenance.
Pursuant to the Maintenance Regulation, a person may apply to the Administration of the Maintenance Guarantee Fund to recover maintenance from a debtor who is no longer in Latvia. The Administration of the Maintenance Guarantee Fund fulfils the function of the central authority in Latvia for purposes of the Regulation.
Pursuant to the Maintenance Regulation, a person who has a legal right to maintenance may apply to the Administration of the Maintenance Guarantee Fund and submit an application addressed to another Member State of the European Union in order:
to secure a decision ordering the recovery of maintenance in the country where the defendant is resident;
to have the amount of the maintenance allowance adjusted (upwards or downwards);
to secure a decision ordering the recovery of maintenance and determination of the child's paternity in the country where the defendant is resident;
to secure recognition of a decision of a Latvian court ordering the recovery of maintenance, to have it declared enforceable, or to have it enforced.

13 Can organisations (government or private) advance the payment of maintenance wholly or partly in the debtor's place?

The Administration of the Maintenance Guarantee Fund can act in place of a child maintenance debtor if the enforcement of a court decision ordering recovery of maintenance in accordance with the applicable civil procedure has been declared impossible, or if the debtor complies with a court decision ordering recovery, but fails to provide the minimum amount of maintenance laid down by the Government. If the Administration of the Fund pays maintenance, it is entitled to take steps to recover the amounts paid, with statutory interest (see Section 3 above).

14 If I am in this Member State and the debtor has his/her residence in another country:

14.1 Can I obtain the assistance of an authority or private organisation in this Member State?

If the claimant and the child have a permanent residence in Latvia, but the maintenance debtor is resident in another country, the claimant may apply to the Administration of the Maintenance Guarantee Fund if the enforcement of a court decision ordering recovery of maintenance in accordance with the applicable civil procedure has been declared impossible, or if the debtor complies with a court decision ordering recovery, but fails to provide the minimum amount of maintenance.
If the debtor resides in a foreign country, and has no property in Latvia which could be subjected to enforcement, the claimant should submit the court decision to have it recognised and enforced in the respective foreign country before applying to the Administration of the Maintenance Guarantee Fund. If the enforcement of the decision in the respective foreign country proves impossible, the claimant may apply to the Administration of the Fund requesting it to take the place of the debtor regarding the enforceable maintenance.
The Administration of the Maintenance Guarantee Fund fulfils the function of the central authority under the Maintenance Regulation (see Section 3 and Section 13), and for help within the framework of the Regulation a person may turn to the Administration of the Fund.
If a Latvian court delivers a decision on the enforcement of maintenance, and a person residing in Latvia wishes to have that decision recognised and/or enforced in another Member State of the European Union, or to obtain a judicial decision against a debtor residing in another Member State of the European Union, the Administration of the Maintenance Guarantee Fund may help that person, under the Maintenance Regulation, to forward the decision of the Latvian court to the respective foreign country for recognition and/or enforcement and for a decision on the application.
The Administration of the Maintenance Guarantee Fund can act in place of the debtor and pay the maintenance allowance to a minor child, and can provide information on maintenance issues.
(see Section 3 and Section 13).

14.2 If so, how can that authority or private organisation be contacted?

Administration of the Maintenance Guarantee Fund (*Uzturlīdzekļu garantiju fonda administrācija*)
Address: Pulkveža Brieža iela 15, Riga,
LV-1010, Latvia
Telephone: +371 67830626
Fax: +371 67830636
E-mail: pasts@ugf.gov.lv

15 If I am in another country and the debtor is in this Member State:

15.1 Can I address a request directly to such an authority or private organisation in this Member State?

15.2 If so, how can that authority or private organisation be contacted and what kind of assistance can I receive?

If the maintenance creditor is in another EU Member State, and the maintenance debtor is in Latvia, the creditor may apply under the Maintenance Regulation to the central authority of the country in which the creditor resides. The application may seek a decision ordering the recovery of maintenance in Latvia, where the debtor resides; or a decision ordering the recovery of maintenance concurrently with the determination of paternity in Latvia; or a decision declaring enforceable in Latvia a foreign decision ordering recovery, or a decision enforcing the foreign decision. Under the Regulation the central authority of the foreign country will carry out the necessary formalities and forward the creditor's application to the Latvian central authority established in accordance with the Regulation. The Latvian central authority — the Administration of the Maintenance Guarantee Fund — will help the foreign claimant to submit a foreign court decision for enforcement or for recognition and enforcement in Latvia, or will help the claimant to lodge an application for the recovery of

maintenance at the Latvian court where the debtor resides, or an application for the recovery of maintenance concurrently with the determination of paternity in Latvia.
If the enforcement of a court decision ordering recovery of maintenance in accordance with the applicable civil procedure has been declared impossible, or if the debtor complies with a court decision ordering recovery, but fails to provide the minimum amount of maintenance, a person who permanently resides with his or her child in Latvia, both of them having declared residences in Latvia, may apply to the Administration of the Maintenance Guarantee Fund with a request to pay them maintenance.
Pursuant to the Maintenance Regulation, a person has to apply to the central authority of the country in which he or she resides. A person residing in Latvia may apply to the Administration of the Maintenance Guarantee Fund in order:
to secure a decision ordering the recovery of maintenance in another Member State of the European Union where the defendant is resident;
to secure a decision ordering the recovery of maintenance concurrently with the determination of paternity in another Member State of the European Union where the defendant is resident;
where a decision ordering the recovery of maintenance has already been given, to have that decision recognised, declared enforceable and enforced in another Member State of the European Union where the defendant is resident.
If the enforcement of a court decision ordering recovery of maintenance in accordance with the applicable civil procedure has been declared impossible, or if the debtor complies with a court decision ordering recovery, but fails to provide the minimum amount of maintenance, a person who permanently resides with his or her child in Latvia, both of them having declared residences in Latvia, may apply to the Administration of the Maintenance Guarantee Fund with a request to pay them maintenance.
Administration of the Maintenance Guarantee Fund (*Uzturlīdzekļu garantiju fonda administrācija*)
Address: Pulkveža Brieža iela 15, Riga,
LV-1010, Latvia
Telephone: +371 67830626
Fax: +371 67830636
E-mail: pasts@ugf.gov.lv
Pursuant to the Maintenance Regulation, the Administration of the Maintenance Guarantee Fund performs the functions of the central authority in Latvia.
The Administration of the Maintenance Guarantee Fund advances a maintenance allowance to the creditor, in the debtor's place, if the enforcement of a court decision ordering recovery of maintenance in accordance with the applicable civil procedure has been declared impossible, or if the debtor complies with a court decision ordering recovery, but fails to provide the minimum amount of maintenance.

16 Is this Member State bound by the 2007 Hague Protocol?

Latvia is bound by the Hague Protocol of 2007.

17 If this Member State is not bound by the 2007 Hague Protocol, which law will be applicable to the maintenance claim according to its private international law rules? What are the corresponding private international law rules?

Latvia is bound by the Hague Protocol of 2007.

18 What are the rules on access to justice in cross-border cases within the EU following the structure of Chapter V of the Maintenance Regulation?

According to Article 43 of the Civil Procedure Law, the following persons are exempt from the payment of court costs to the State:
plaintiffs, in claims for the recovery of child or parent maintenance payments, and in claims for the determination of paternity if the action is brought concurrently with a claim for the recovery of child maintenance payments;
applicants in matters relating to the recognition, or the recognition and enforcement, of a foreign decision on the recovery of maintenance payments for a child or parent;
defendants, in matters regarding the reduction of child or parent maintenance payments adjudged by a court.
Where an application to recover the resources to ensure the previous level of welfare is brought by a former spouse, or by an applicant seeking the recognition or recognition and enforcement of a foreign court decision regarding the recovery of maintenance for a former spouse or another person, pursuant to the fourth part of Article 43, a court or a judge, taking into account an individual's financial situation, may fully or in part exempt the applicant from the payment of court costs to the State, or may postpone the payment of court costs to the State or divide the payment into instalments.
In Latvia, legal aid to foreign claimants or applicants who are entitled to legal aid under the Maintenance Regulation is provided by the central authority established in accordance with the Regulation, which is the Administration of the Maintenance Guarantee Fund. The Administration of the Maintenance Guarantee Fund provides legal aid and representation before Latvian courts and enforcing bodies to domestic maintenance creditors and to foreign creditors entitled to legal aid under the Regulation.

19 What are the measures adopted by this Member State in order to ensure the functioning of the activities described in Article 51 of the Maintenance Regulation?

Latvia has amended several national laws and regulations to enable the central authority established in accordance with the Maintenance Regulation to fulfil the functions set out in Article 51. As amended, the laws and regulations of Latvia ensure the provision of legal aid to cross-border creditors or applicants entitled to legal aid as required by the Regulation, including the representation of the respective person in court and before enforcing bodies. To identify the place where the debtor or creditor resides in Latvia, or to obtain information on the debtor's or creditor's income and the location of any property belonging to them in Latvia, the Latvian central authority, i.e. the Administration of the Maintenance Guarantee Fund, has direct access to various registers in Latvia holding this information. The information which the central authority can acquire directly from the respective registers can enable it to obtain documents and evidence. To institute or facilitate proceedings, secure the necessary temporary measures and obtain evidence, the Administration of the Fund has the right to apply to courts in Latvia on behalf of the respective claimants or applicants. The Administration of the Fund, on behalf of the claimant, may bring a claim for determination of the child's parentage directly before the court if the claim is brought concurrently with a claim for the recovery of maintenance.

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Last update: 27/04/2023
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