

[Home](#) > ... > [Family Matters & Inheritance](#) > [Children of Ukraine – Civil Judicial Cooperation](#) > [Maintenance](#)

## Maintenance

These factsheets were prepared by the European Judicial Network in civil and commercial matters.

For cross-border maintenance cases, EU jurisdictional rules are established in the [Maintenance Regulation](#), while the law applicable to maintenance cases is regulated by the [2007 Hague Maintenance Protocol](#). In addition, the [2007 Hague Child Support Convention](#) applies in situations related to non-EU Member States (such as Ukraine).

### Jurisdiction

Jurisdiction for maintenance cases in the EU is established on the basis of the [Maintenance Regulation](#). In general, the jurisdictional rules of the Maintenance Regulation are designed to preserve the interests of the maintenance creditor, who is considered to be a weaker party. Article 3 of the Regulation provides that jurisdiction can usually be based on either (i) the habitual residence of the person obliged to pay maintenance or the person requesting maintenance [1], or (ii) the court which has jurisdiction in matters related to the status of a person (for example establishment of parenthood of a child) or parental responsibility (for example rights of custody or access over a child), if the matter relating to maintenance is ancillary to those proceedings. As a result, international jurisdiction of a court of an EU Member State with regard to a child displaced from Ukraine, any maintenance claims have to be decided on a case-by-case basis.

For a better understanding on how to apply the Maintenance Regulation, the Practice Guide, available [here](#), is a useful tool.

The 2007 Hague Child Support Convention applies to cross-border cases involving an EU Member State and a third-party country which is a Contracting State to the Convention. The Convention entered into force with regard to Ukraine as of 1 November 2013 and all EU Member States are contracting parties to the Convention ([HCCH | #38 - Status table](#)).

### Applicable law

The law applicable to maintenance cases is regulated by the [2007 Hague Maintenance Protocol](#). The Protocol entered into force with regard to Ukraine as of 1 December 2022 and is applicable to all EU Member States with the exception of Denmark ([HCCH | #39 - Status table](#)).

The general rule on applicable law is established in Article 3(1) and provides that maintenance obligations are governed by the law of the state of the habitual residence of the person requesting maintenance. Article 3(2) further specifies that in the case of a change in the habitual residence of that person, the law of the State of the new habitual residence shall apply as from the moment when the change occurs.

As a result, under Article 3, Ukrainian law should apply to children who are still habitually resident in Ukraine. To apply Article 3(2), a change of habitual residence of the child should take place.

### Recognition and enforcement

As regards the recognition and enforcement of maintenance decisions given in Ukraine in the EU, the provisions of the [2007 Hague Child Support Convention](#) are relevant. The bases for recognition and enforcement are

provided in Article 20 of the Convention.

2007 Hague Child Support Convention also applies when decisions of EU courts need to be recognised and enforced in Ukraine. It should be noted that if the recognition and enforcement of a decision rendered in an EU Member State court is sought in Ukraine, such decision may not be recognised and enforceable in case the court of origin based its jurisdiction on a ground of jurisdiction not listed by the Article 20 of the 2007 Hague Convention (e.g. the subsidiary jurisdiction and the forum *necessitatis*).

An application for recognition or enforcement of a maintenance decision may be submitted either directly to the court or the competent authorities with jurisdiction of the requested state or indirectly through the Central Authority of the State in which the person applying for maintenance resides.

For a better understanding on how to apply the Maintenance Regulation, the Practice Guide, available [here](#), is a useful tool.

## Cooperation between Central Authorities

Please be informed that the functioning of the Ukrainian Central Authority appointed under the [2007 Hague Child Support Convention](#) is affected and may be temporarily limited due to the current crises.

Central Authorities play an important role in the cross-border recovery of maintenance. Their specific functions are listed in Article 51 of the Maintenance Regulation and Article 6 of the 2007 Hague Child Support Convention.

Central authorities may assist in submitting applications seeking recognition, a declaration of enforceability or the enforcement of a decision on maintenance given, as well as handling applications seeking the establishment of a new decision and the modification of an existing maintenance decision. Moreover, they can help with locating the person from whom maintenance is sought and obtaining relevant information regarding income and financial situation of this person, or provide other needed assistance in the areas of their competence.

For a better understanding on how to apply the Maintenance Regulation, the Practice Guide, available [here](#), is a useful tool. Guidance on how to fill in the Maintenance Regulation application forms is available [here](#).

Contact details of the Central Authorities can be found below:

- [Maintenance Regulation](#)
- [2007 Hague Child Support Convention](#)


## How can the European Judicial Network in civil and commercial matters (EJN-civil) help?

The EJN-civil provides support for the implementation of EU civil justice instruments in daily legal practice. In addition to the Central Authority, the EJN contact point in your Member State may be contacted to help you if you have a specific problem in a cross-border case. Your contact point may, for instance, enquire about the current status of a request, help bring two courts in touch or find the contact details of a competent authority in another EU Member State.

[More information on the EJN and how it can help.](#)

[How do I find my national contact point?](#)

## Useful links

- Information on Ukrainian law
  - [Q&A on Ukrainian maintenance](#)  (246 Kb) 
  - [General Information on the Maintenance Regulation and information about Member States legislation](#)
  - [Practice guide on the application of the Maintenance Regulation and on filling out its forms](#)
  - [Explanatory Report on the 2007 Hague Child Support Convention](#)

- [Explanatory Report on the 2007 Hague Maintenance Obligations Protocol](#)
- Central Authorities:
  - [Maintenance Regulation](#)
  - [2007 Hague Child Support Convention](#)

[1] For the interpretation of “habitual residence” in the context of maintenance cases, see for example CJEU judgment in case Case C-644/20. For more information see also [Practice guide on the application of the Maintenance Regulation](#)

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