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**United States of America
and
Portugal**

Agreement between the Government of the United States of America and the Government of the Portuguese Republic for the recovery of maintenance. Lisbon, 30 May 2000

Entry into force: *17 March 2001, in accordance with article 10*

Authentic texts: *English and Portuguese*

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**États-Unis d'Amérique
et
Portugal**

Accord entre le Gouvernement des États-Unis d'Amérique et le Gouvernement de la République portugaise relatif au recouvrement des aliments. Lisbonne, 30 mai 2000

Entrée en vigueur : *17 mars 2001, conformément à l'article 10*

Textes authentiques : *anglais et portugais*

Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies : *États-Unis d'Amérique, 18 juin 2013*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF
AMERICA AND THE GOVERNMENT OF THE PORTUGUESE REPUBLIC FOR
THE RECOVERY OF MAINTENANCE

The Government of the United States of America

And

The Government of Portugal (hereinafter referred to as
the Contracting States),

Believing in the need to pursue a policy of cooperation
that strengthens increasingly friendly ties, and

Recognizing the impact of increasing contacts between
nationals and residents of both countries and the
subsequent establishment of family relationships which
may include children whose parents did not marry and
common-law spouses, and

Understanding the importance the recovery of maintenance
may have for the individuals involved in such
relationships, and

Recognizing the common interest and the advantages of
establishing a uniform and effective system for the
recovery of maintenance, for the recognition and
enforcement of decisions based on these maintenance
obligations, and for the taking of appropriate steps for
the determination of maternity and paternity where
necessary,

Have agreed as follows:

Article 1

Objective

The objective of the agreement is to provide for:

a. The recovery of maintenance or the reimbursement
of maintenance to which a maintenance creditor or a
public body having provided benefits for a maintenance
creditor in one Contracting State (hereinafter referred
to as the claimant) is entitled from a maintenance debtor
who is subject to the jurisdiction of the other
Contracting State (hereinafter referred to as the
respondent), when the maintenance obligation is provided
for by law;

b. The recognition and enforcement of maintenance
orders, reimbursement orders and settlements (hereinafter
referred to as maintenance decisions) made or recognized
in either Contracting State; and

c. The institution of and assistance in proceedings for the determination of maternity and paternity as may be required for the establishment of the maintenance obligation.

Article 2

Scope

1. This Agreement shall apply to maintenance obligations, as provided by the law, and arising from a family relationship of parents and children, a relationship between spouses and former spouses or, where recognized by law, common-law spouses and former common-law spouses, and including a maintenance obligation towards a child whose parents did not marry. In any case where there are no children, a maintenance obligation towards a spouse or former spouse of common-law spouse or former common-law spouse will be enforced in the United States under this Agreement only in those states and other jurisdictions of the United States that elect to do so.

2. This Agreement applies to the collection of payment arrears on a valid maintenance obligation and any applicable interest on arrears and to the modifications, variations or other official change in amounts due under an existing maintenance decision.

3. The remedies provided for in this Agreement are not exclusive and do not affect the availability of any other remedies for the enforcement of a valid maintenance obligation under the law of either Contracting State nor do they preclude the Contracting States from entering into international Agreements addressing these issues.

Article 3

Central Authorities

1. Each Contracting State shall designate a public body as Central Authority, which shall facilitate compliance with the provisions of this Agreement.

2. The Central Authority for Portugal shall be the Directorate General of Judiciary Services.

3. The Central Authority for the United States shall be the Office of Child Support Enforcement in the Department of Health and Human Services, as authorized by Title IV-D of the Social Security Act.

4. The Contracting States may designate additional public bodies to carry out any of the provisions of this Agreement in coordination with the Central Authority.

5. Any changes in the designation of the Central Authority or other public bodies by one Contracting State shall be communicated immediately to the Central Authority or other public body of the other Contracting State as designated by that Contracting State.

6. Communications shall be addressed by the Central Authority or other public body of one Contracting State directly to the Central Authority or other responsible public body of the other Contracting State as designated by that Contracting State.

Article 4

Applications and Transmission of Documents

1. An application for the recovery or reimbursement of maintenance from a respondent subject to the jurisdiction of the Contracting States (hereinafter the Requested State) shall be made by the Central Authority or other designated public body of the other Contracting State (hereinafter the Requesting State), in accordance with the applicable procedures of the Requesting State.

2. The application shall be made on a standard bilingual form to be agreed upon by the Central Authorities of both Contracting States, and shall be accompanied by all relevant documents. All documents shall be translated in the language of the Requested State.

3. The Central Authority or other designated public body of the Requesting State shall transmit the documents referred to in numbers 2 and 5 of this Article to the Central Authority or other designated public body of the Requested State.

4. Before transmitting the documents to the Requested State, the Central Authority or other designated public body of the Requesting State shall satisfy itself that they comply with the law of the Requesting State and the requirements of this Agreement.

5. When the application is based on or the documents include a decision issued by a competent court or agency establishing maternity and paternity or for the payment of maintenance:

a. The Central Authority of the Requesting State shall transmit a copy of the decision certified or verified in accordance with the requirements of the Requested State;

b. The decision shall be accompanied by a statement of finality or, if not final, a statement of enforceability and by evidence that the respondent has appeared in the proceedings or has been given notice and an opportunity to appear;

c. The Central Authority or other designated public body of the Requesting State shall notify the Central Authority or other designated public body of the Requested State of any subsequent change by operation of law in any amount required to be enforced under the decisions.

6. In carrying out their tasks under this Agreement, the Contracting States shall provide each other assistance and information within the limits of their respective laws, and consistent with any treaties related to judicial assistance in force between the Contracting States.

7. All documents transmitted under this Agreement shall be exempt from legalization.

Article 5

Functions of the Central Authority of the Requested State

The Central Authority or other designated public body of the Requested State shall take on behalf of the claimant all appropriate steps for the recovery or reimbursement of maintenance, including the institution and prosecution of proceedings for maintenance, the determination of maternity and paternity where necessary, the execution of any judicial or administrative decision and the collection and distribution of payments collected.

Article 6

Cost of services

All procedures described in this Agreement, including services of the Central Authority, and necessary legal and administrative assistance, shall be provided by the Requested State without cost to the claimant. The costs of testing blood or tissue for maternity and paternity determinations shall be borne by the Contracting State in which the proceeding takes place. A Contracting State may assess costs against the respondent appearing in that jurisdiction.

Article 7

Recognition and Enforcement of Maintenance Decisions

1. Maintenance decisions, including maintenance decisions arising from a determination of maternity and paternity, from one Contracting State shall be recognized and enforced in the other Contracting State to the extent that the facts in the case support recognition and enforcement under the applicable laws and procedures of the latter Contracting State.

2. Maintenance decisions made after the failure of the respondent to appear in the proceedings shall be considered as decisions under number 1 if it is demonstrated that notice had been given and the opportunity to be heard had been afforded in a way to satisfy the standards of the Requested State.