

Act on the Central Authority in Finland in Certain International Matters Relating to Maintenance (1076/2010)

Section 1 – *Scope of application*

- (1) This Act lays down provisions on the Central Authority in Finland in international matters relating to maintenance and on the right of the Central Authority to obtain information and other executive assistance from another authority in such matters.
- (2) This Act also lays down provisions on the right to legal aid in certain international matters relating to maintenance.

Section 2 – *Central Authority in Finland*

- (1) The Finnish Ministry of Justice is:
 - (1) the Central Authority referred to in Article 49 of the Council Regulation (EC) No 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations;
 - (2) the transmitting and receiving agency referred to in the Convention on the Recovery Abroad of Maintenance (Treaty Series of the Statutes of Finland 37/1962);
 - (3) the Central Authority referred to in Article 3 of the Agreement between the Government of the United States of America and the Government of Finland for the Enforcement of Maintenance (Support) Obligations (Treaty Series of the Statutes of Finland 74/2007).
- (2) The Ministry of Justice is the transmitting and receiving agency also when reciprocal arrangements apply in the international recovery of maintenance.
- (3) The Ministry of Justice may, at its discretion, act as the transmitting and receiving agency or provide other assistance in order to recover or confirm maintenance also in other cases than those referred to in subsections 1 and 2.

Section 3 – *Central Authority's right to obtain executive assistance*

Notwithstanding the secrecy provisions, the Ministry of Justice is, when performing the functions referred to in section 2, entitled to obtain information and other executive assistance as follows:

- (1) from state and municipal social welfare authorities in order to establish a person's circumstances and possibilities for an amicable solution;
- (2) from police authorities in order to locate a person;
- (3) when performing the function of the Central Authority relating to the recovery of maintenance, from state and municipal social welfare authorities and tax authorities in order to establish a person's income and assets as well as to identify a person's employer or pension provider.

Section 4 – *Legal aid and exemption from enforcement costs*

- (1) When the Ministry of Justice or a person authorised by the Ministry of Justice, acting in the capacity referred to in section 2, represents an applicant before a court or another authority in Finland, the applicant is provided legal aid for free, notwithstanding the provisions on the prerequisites for legal aid elsewhere in the law. This applies to matters that concern:
 - (1) confirming that a maintenance decision issued in a foreign state is to be recognised or may be enforced in Finland;
 - (2) establishment of paternity;
 - (3) obliging a parent to pay maintenance to his or her child;
 - (4) modification of maintenance confirmed for a child, if the applicant is the child or represents the child.
- (2) The provisions in paragraphs 2-4 of subsection 1 are, however, applied only if the child is under 21 years of age when the matter is instituted.
- (3) When the Ministry of Justice or a person authorised by the Ministry of Justice, acting in the capacity referred to in section 2, represents an applicant in the enforcement of a maintenance decision, the applicant is exempt from enforcement costs.

Section 5 – *Translation of documents into foreign languages*

If, under an international obligation binding on Finland, a translation into a foreign language is required of a document relating to such an application that is to be transmitted to a foreign state in the performance of a function referred to in section 2, the Ministry of Justice is responsible for providing the translation. However, if the applicant is the Social Insurance Institution of Finland, it is responsible for providing the translation itself.

Section 6 – *Subsidiary nature of this Act*

This Act is applied unless otherwise provided in international obligations binding on Finland.

Section 7 – *Entry into force*

- (1) This Act enters into force on 1 January 2011.
- (2) Matters pending at the Ministry for Foreign Affairs and pertaining to the functions of the Central Authority are transferred to the Ministry of Justice when this Act enters into force.