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Good Practices in Social Security

Good practice in operation since: 2017

Establishment of an agency to recover unpaid alimony

National Family Allowances Fund
France

Summary

The Agency for the Recovery of Unpaid Alimonies (Agence de recouvrement des impayés de pensions alimentaires – ARIPA), set up in January 2017, ensures the recovery of outstanding (unpaid) child maintenance.

ARIPA can advance family support benefit to a lone parent or foster parents who should be receiving alimonies. It advises and supports parents going through separation. Its website provides practical and legal information and offers the possibility of simulating maintenance amounts based on a national scale as part of amicable proceedings.

Since it was set up, the number of cases of alimony recovery has significantly increased (a recovery rate of 63 per cent in 2018 compared to 57 per cent in 2016). This makes it possible to fight poverty by improving the standard of living of the parents and children who have not been able to receive the maintenance.

Since 1 July 2018, ARIPA's work has also included issuing enforceable agreements completed by parents which fix the amount of child support to be provided.

The issue or challenge

What was the issue or challenge addressed by your good practice? Please provide a short description.

Couples are increasingly separating and the figures are currently estimated at 350,000 a year of which 175,000 are with children below legal age. Almost one-third of the alimony fixed by court decisions is unpaid or only partially paid. This non-payment raises four kinds of problems:

- legal: judges' decisions are not always followed in practice and the agreements made by parents at the beginning of the separation are not always respected;
- child poverty: single-parent households, representing one-fifth of families in France, are the most likely to be in situations of poverty. On average, alimonies represent 18 per cent of the income of single-parent families;
- gender equality: in the vast majority of cases, it is the mother who does not receive the alimony and the father who does not pay it (97 per cent of debtors);
- the length of time taken by court officials to recover unpaid alimonies.

Other factors have also led to the establishment of ARIPA:

- the need, often expressed by parents, for support and help with access to information and rights;
- parents who wished to fix child support and obtain an enforceable agreement to ensure payment had to go to court, even when the alimony had been previously established by common agreement;
- access to recover child support that was already offered by the family allowance funds (*caisses d'allocations familiales* – CAFs)/ Agricultural Social Mutual Fund (*Mutualité Sociale Agricole* – MSA) for stepfamilies depended on recovery proceedings of a court bailiff or public prosecutor.

Addressing the challenge

What were the main objectives of the plan or strategy to resolve the issue or challenge? List and briefly describe the main elements of the plan or strategy, focusing especially on their innovative feature(s) and expected or intended effects.

Considering the challenges to be overcome, the government turned to various inspection bodies (social affairs, justice, finance) for an analysis and proposals. Based on their report, it was decided to set up a national agency to recover unpaid alimony and to entrust its management to the CAFs.

ARIPA was set up in January 2017 and is supported by 22 specialised CAFs, the five CAFs of the overseas departments and the Agricultural Social Mutual Fund.

The aim was to offer a one-stop shop for a range of services that would:

- offer a comprehensive, rapid recovery assistance service and a guarantee in the event of non-payment, thus facilitating regular support;
- facilitate access of composite families to this service which had previously been excluded unless they had first gone through some costly and complicated preliminary steps;
- support one-parent families by providing financial aid to single parents with the family support allowance. ARIPA is in charge of managing this benefit, which contributes to the fight against poverty and which can be paid as an advance against the alimony: up to 115 euros (EUR) a month per child for a single parent with custody.

For the family branch of the French social security agency, this involved:

- turning some of its employees (350 trained experts) into specialists so that procedures against debtor parents are more effective and are the same all over the country, from the amicable phase of recovery to enforced recovery by confiscation from a third-party holder of funds (from a bank account or salaries, for example) or via public recovery using the services of the Directorate General of Public Finance.
- acting as a financial intermediary, if ordered by a judge, for victims of violence or threats from their former partner (the agency will recover and then pay the alimony without the ex-partners coming into contact);
- providing information and support to separated parents or those in the process of separation. A dedicated telephone platform and a website www.pension-alimentaire.caf.fr have been established to offer easy access to all kinds of information about the steps to be followed in the case of separation and/or the non-payment of alimony. The website allows parents to simulate the amount of financial support that they should pay or receive when this has not been set by a judge. This set of services allows tailored support for parents during or after their separation. When they make contact with the agency, they can be offered help and individual support: social intervention, family mediation, parental support, or “parents after separation” group meetings.

Since 1 July 2018, ARIPA can also provide enforceable instruments confirming the maintenance set for children in parental agreements concluded and signed by parents who separate after living together or a civil partnership. This new activity for which ARIPA is responsible is also intended to lighten the load of the justice system by taking out of court the determination of the alimony.

The enforceable instrument issued by ARIPA is equivalent to a court order that makes it possible to recover any unpaid support.

Moreover, thanks to stronger links with the Ministry for Europe and Foreign Affairs, coordination of the recovery of alimony from debtors living abroad has been strengthened.

Targets to be achieved

What were the quantitative and/or qualitative targets or key performance indicators that were set for the plan or strategy? Please describe briefly.

The established targets are as follows:

- to increase the maintenance recovery rate: a progressive target moving from 63.5 per cent in 2018 to 65 per cent recovery by 2022;
- to increase the amounts recovered;
- to improve support for separated parents;
- to speed up responses to user requests in order to improve the quality of service given to families.

Evaluating the results

Has there been an evaluation of the good practice? Please provide data on the impact and outcomes of the good practice by comparing targets vs actual performance, before-and-after indicators, and/or other types of statistics or measurements.

In 2017:

- 28,353 active recovery procedures;
- 700 calls, on average, to the national agency number every day;
- 40,000 visitors, on average, to the agency's website every month;
- 63 per cent recovery rate (up 6 per cent in a year);
- 10 per cent increase in the number of recovery procedures in one year;
- EUR 48 million was recovered;
- 41 per cent of non-payment cases were resolved with the debtor during the amicable phase, without the need to use forcible recovery procedures.

In 2018:

- 34,551 active recovery procedures (July 2018);
- More than EUR 5.5 million recovered in July 2018 (3.7 million in January 2017).

Lessons learned

Based on the organization's experience, name up to three factors which you consider as indispensable to replicate this good practice. Name up to three risks that arose/could arise in implementing this good practice. Please explain these factors and/or risks briefly.

Three essential factors for reproducing this good practice:

- the realisation that the non-payment of benefits is a real problem rather than a practice to be tolerated, and the strong political will of the different agents involved in the issue to work together (Ministry of Social Affairs, Ministry of Justice, Ministry of Finance, Ministry of Social Security Funds, etc.);
- agents prepared to undertake sometimes complex legal proceedings while providing individual support to people who need it;
- sufficient resources to meet a demand that is growing in most countries: the development of regulations has, in particular, allowed the improvement of recovery (direct payment procedure, access to help with recovery).

Three risks that arose or could arise:

- failure to allocate sufficient resources to the national agency, which could lead to disappointment among the people affected;
- not having a communication strategy that informs the concerned people about the existence of the agency and how to access it;
- regulations must not be too restrictive. If they are, they would hamper recovery procedures. It would also be important to establish a single national scale for maintenance.