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1972

Opphevet - 1989-07-17-2  
Norwegian Joint Committee  
on International Social Policy,  
P. O. 8011 — OSLO DEP.

## ACT

of 26 April, 1957

respecting

### Advance Payment of Maintenance Contributions

as subsequently amended, last by Act of 16 June, 1971

(Mainly reprinted from Norwegian Laws etc.  
selected for the Foreign Service)

#### *Chapter I. The right to maintenance contributions.*

§ 1. Payment of a maintenance contribution which, pursuant to the legislation relating to parents and children born in wedlock, has been stipulated by ruling or enforceable judgment or by decision of a District Governor or a Ministry, or by agreement, may be claimed from the public authorities according to the rules in this Act (advance payment of alimony), if it is collected through the bailiff of alimony and is not paid when due.

The same applies to a maintenance contribution which is stipulated pursuant to the legislation relating to children born out of wedlock when paternity or the maintenance obligation has been established by acceptance or by omission to institute suit before the expiry of the time-limit for this, or by enforceable judgment.

Advance payment in conformity with the rules in this Act may also be demanded in respect of a maintenance contribution which has been stipulated according to the law of another state.

On such conditions as mentioned in § 4, litera B, advance payment of maintenance contribution can be demanded also in cases where maintenance contribution has not been imposed.

§ 2. Advance payment of maintenance contribution cannot be claimed, however:

- (1) If the child is not resident in the Kingdom;
- (2) for a period in which the child is entitled to a pension according to the National Insurance Act § 10—11, second paragraph, second subparagraph;

- (3) if the person entitled to the advance payment is living with the person liable for the maintenance contribution;
- (4) if the child by virtue of some other statute, except the social care act, is receiving full maintenance from the State, a municipality or an insurance fund;
- (5) in respect of contributions which have fallen due for payment earlier than 3 months before the claim for advance payment reached the bailiff of alimony;
- (6) in respect of contributions after the child has reached the age of eighteen years;
- (7) in respect of extra contributions enjoined for cover of special outlays for the child.

§ 3. Application for advance payment of maintenance contribution shall be put forward by the person who on behalf of the child has or would have had the right to receive the maintenance contribution (person entitled to advance payment).

The bailiff of alimony shall make the person entitled to advance payment acquainted with the right to receive such advance and assist in drawing up the application for same.

§ 4.

A. The advance payment shall amount to as much as the maintenance debtor is enjoined to pay as maintenance contribution to the child, but in no case more than Kr. 200.— per month, subject to the provisions of litera B.

If maintenance contribution has been enjoined on both parents, the advance payment in respect of each of the contributions shall amount to the sum mentioned in the first paragraph.

If the maintenance contribution for the month has been paid in part, the advance payment shall be reduced by the amount paid.

B. If the maintenance contribution is less than Kr. 200.— per month, or if the person liable for the support has not been ordered to pay maintenance contribution, an advance payment of contribution shall nevertheless, upon application, be made in the amount of Kr. 200.—. The same rule applies in cases where liability for payment of contribution to children born out of wedlock has not been stipulated by legally valid decision. A condition therefore is that the person entitled to advance payment agrees — if the bailiff of alimony or a municipal authority so requests — to take action to have the maintenance contribution stipulated, or a previously stipulated maintenance contribution increased.

The provisions of litera A, second and third paragraph, shall apply correspondingly.

*Chapter II. Handling of the claim. Payment.*

§ 5. Application for advance payment shall be made on a form drawn up by the Ministry, and shall be sent to the bailiff of alimony in the municipality where the person entitled to advance payment is resident.

The bailiff of alimony shall ascertain that the application is in order and, if necessary, take steps to have the information supplemented, and then make his decision.

The application may be refused if the person entitled to advance payment does not furnish the information required, or furnishes incorrect information or conceals circumstances of significance.

If the application is refused, information shall be given of the grounds for the refusal and of the right to appeal, cf, § 16.

§ 6. As soon as decision has been made that advance payment shall be made the bailiff shall at the end of each month disburse the advance out of funds which are placed at his disposal by the municipality, or give order for payment of the advance out of the municipal treasury, as the case may be.

The bailiff shall take care that advance payment of contribution is discontinued when the conditions for such payment no longer exist. The payment can without further action be resumed when the conditions for the payment again are present.

§ 7. If the person entitled to advance payment takes residence in a municipality where there is a different bailiff of alimony, the bailiff in the former municipality shall, as soon as he becomes aware of the removal, take steps to have the application with the other documents, sent to the bailiff of alimony in the new municipality for examination, conformably with the rules in §§ 5 and 6.

The provisions in the preceding paragraph shall apply correspondingly if the right to receive contribution on behalf of the child passes over to a person or institution in a municipality with a different bailiff of alimony.

§ 8. If an advance payment is not used for maintenance of the child, the bailiff of alimony may, in consultation with the child welfare committee, decide that instead of being paid to the person entitled to the advance payment, it shall be paid to some other person who shall see to it that the advance payment is used in the right manner.

§ 9. It is the duty of the person entitled to the advance payment and the person who conformably with § 8 receives such advance payment, to inform the bailiff of alimony of any change in the circumstances which form the basis of the right to advance payment.

Removal, such as mentioned in § 7, first paragraph, shall be

reported within a fortnight to the bailiff of alimony in the former municipality of residence.

§ 10. The municipal council may decide that the authority to settle claims for advance payment of maintenance contributions, conformably with § 5, second paragraph, and to make order for payment, conformably with § 6, first paragraph, shall be vested in the social welfare board instead of in the bailiff of alimony. Such a decision does not entail any change in the other duties which rest on the bailiff of alimony under this Act.

If the municipal council has made such decision as is mentioned in the first paragraph, the bailiff of alimony shall inform the social welfare board of maintenance contributions which are being paid, and convey any other information which has significance for the right to receive advance payment.

### *Chapter III. Cover of expenses. Refundment.*

§ 11. The municipality in which the person entitled to advance payment is resident enters into the right to the maintenance contribution for the same amount as has been paid in advance.

The amount due to the municipality can be collected according to the rules in the Act relating to recovery of maintenance contributions.

§ 12. If advance payment has been made, maintenance contributions which are collected later shall be used first for cover of the current contribution for the month concerned; then for cover of the maintenance balance due, if any, and finally for cover of the amount due to the municipality according to § 11. Maintenance balance which had not been settled before 1st January, 1964, shall, however, yield priority to the municipality's claim.

§ 13. If an advance payment has been made in cases where the conditions for advance payment have not been satisfied, the municipality may require the excess amount paid in advance to be refunded by the person who has received the advance payment, insofar as the District Governor deems that said person is financially able to do so. In such case the rules in § 11, second paragraph, shall similarly apply.

If an advance payment has been made for any period during which benefits from the supporter insurance or child pension from the national insurance scheme should have been paid, the municipality may recover the advance payment from the national insurance scheme.

§ 14. That part of the advance payment which is not covered by the maintenance contribution paid conformably with § 12, or by

refundment conformably with § 13, shall be refunded by the municipality which would have been liable for aiding the child under the social care act in the period during which advance payment of maintenance contribution is paid. The same applies in respect of the State, if the State would have been liable for aiding the child during the said period.

§ 15. The bailiff of alimony may claim remuneration for his work in connection with advance payments. The provisions in the Act of 9th December, 1955, relating to recovery of maintenance contributions, § 24, first paragraph, shall apply correspondingly.

#### *Chapter IV. Appeal etc.*

§ 16. The decision of the bailiff of alimony can be appealed to the District Governor within three weeks. The same applies to decisions of the social welfare board, if the municipal council has made a decision pursuant to § 10.

The appeal shall be sent in writing to the bailiff of alimony, or to the social welfare board, if the municipal council has made a decision pursuant to § 10. If the bailiff of alimony (social welfare board) does not alter his decision, he shall send the appeal together with the documents of the case to the District Governor.

The District Governor may, before he makes his decision, request further particulars or inquiries.

§ 17. Disputes as to which municipality shall carry the expenses under this Act shall be settled in the same manner as corresponding disputes under the social care act.

#### *Chapter V. Miscellaneous provisions.*

§ 18. The Act of 9th December, 1955, relating to recovery of maintenance contributions § 27, first paragraph, shall apply correspondingly as regards control of advance payments and audit of the accounts of the bailiff of alimony.

§ 19. The King may conclude agreement with a foreign state concerning reciprocal payment of advances on maintenance contributions.

§ 20. The Ministry can issue more detailed regulations for the implementation of the rules in this Act.