

Abstract

The Child Maintenance Enforcement and Support System: A 5-Year Evaluation and Measures for Improvement

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The objectives of this study were to evaluate the child maintenance system 5 years after the enforcement of the "Act on Supporting and Enforcing Child Support Payment" (hereafter referred to as the

"Child Support Enforcement Act"), which was legislated in order to create an environment in which children are guaranteed to receive sufficient management in the course of their growth and single parent families can raise their children without financial difficulties, and to seek improvement measures to overcome any limitations revealed in the course of operation after 5 years.

Following Chapter I, which describes the purpose, contents, and methods of the study, in Chapter II, we separate and examine 1) the dawning of consensus on the necessity of supplementing the support system related to child maintenance during the process of establishing it and the early stages of attempting to supplement the judicial system, and 2) the newly constructed introduction of the child support enforcement support system through legislation. In addition, we examined the contents of the child maintenance enforcement support service provided by the Child Support Agency together with its operational performance over the past 5 years, and we also examined achievements and limitations following the establishment of the child maintenance enforcement support system. In addition, through legal changes since the enactment of the Child Support Enforcement Act and the analysis of contents of legislation proposed in the 21st National Assembly, we examined discussions on the reorganization of the current child maintenance enforcement support system. The child maintenance enforcement support system that was constructed through this process is meaningful in that it minimizes the vacuum in our society in determining child maintenance and provides several ways for securing the enforcement of child maintenance.

Chapter III attempts to examine changes in the rate of child maintenance enforcement and factors influencing it following the establishment of the child maintenance enforcement support system

through secondary data analysis that can examine the status of child support enforcement and procurement of child support. The secondary data utilized in the analysis were raw data from the Single Parent Family Survey conducted three times so far, in 2012, 2015, and 2018, as well as raw data from a user satisfaction survey of people whose cases were either directly enforced by the Child Support Agency in 2019 or consigned. The reason for analyzing the raw data of the Single Parent Family Survey was to compensate for the fact that it is insufficient to examine the child maintenance enforcement rate of all single parent families through just one numerical figure that represents results after the child maintenance enforcement support system was constructed, and that targets only users of the Child Support Agency. In addition, since it is conducted every 3 years, changes before the establishment of the child maintenance enforcement support system (2012) and after (2018) were examined, results were found, and useful points were taken into consideration. Even though it is limited to the experience of users of the Child Support Agency Service, the raw data from the 2019 Child Support Agency Service User Satisfaction Survey is meaningful because it is the most recent material available that can quantitatively examine the experience of filing lawsuits related to child maintenance through not just the Child Support Agency, but also external consignment agencies, as well as decisions about child maintenance and the voluntary enforcement of child maintenance. Looking at the changes in the actual state of the enforcement of child maintenance since the establishment of the support system for child maintenance, it was shown that the ratio of regular child maintenance payments has increased somewhat, but there was no significant difference. Meanwhile, there was no significant change in the rate of meetings with children, which continued at a rate of

10%, and nearly half have broken off contact. This shows the reality that actual enforcement is not guaranteed when it comes to the “decision on child-rearing matters” that has to be made during the divorce process.

In Chapter IV, we analyzed the results of in-depth interviews with single parents using the child maintenance enforcement support service, as well as employees working in the child maintenance enforcement support service, to examine the achievements and limitations of the child maintenance enforcement support system over the past 5 years. We confirmed through the experiences of those who were involved in conflict over child maintenance and employees who work at the child maintenance enforcement support service that the reality of child maintenance enforcement did not significantly improve even after the child maintenance enforcement system was established. The causes of the difficulty in achieving the goal of enforcing child maintenance can mainly be counted as a lack of social awareness about the public nature of child maintenance, a lack of strong compulsory enforcement measures to back up the judgment of the court, and a lack of authority, budget, and human resources in the Child Support Agency. Referring to the above research results and cases from other countries reviewed in Chapter V, we present a three-axis plan for the improvement of the child maintenance enforcement support system. First of all, in order to improve the problem points of the current child maintenance enforcement support system, the process of which is operated mainly by the judiciary in the process of determining and executing child maintenance, we recommend boosting the court's understanding of child maintenance and active intervention in the divorce process. In addition, in order to utilize the compulsory enforcement measures for non-compliance with child maintenance, such as the suspension

of driver's licenses and prohibiting people from leaving from the country, lists of names, and criminal punishment, which were newly introduced as a result of two amendments to the Child Support Enforcement Act in 2020, we propose improvement measures for the effective operation of decisions to detain people that have to be delayed. In addition, we propose the introduction of a child maintenance allowance to minimize the gap in child maintenance, and in order to guarantee the stable procurement of child maintenance from a child-centered perspective, we propose transitioning the existing child maintenance enforcement support system from the judiciary, where it is centered now, to administration so the government can efficiently intervene when child maintenance is decided and when it is not being implemented.

Research areas: family and care, law and plan

Keywords: The child maintenance, The single parent family,
The child maintenance enforcement support service,
The Child Support Agency

