Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

22 November 2017 [shall come into force on 20 December 2017];

3 April 2019 [shall come into force on 26 April 2019];

14 November 2019 [shall come into force on 1 January 2020];

8 April 2021 [shall come into force on 4 May 2021].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima* 1 has adopted and

the President has proclaimed the following law:

**Maintenance Guarantee Fund Law**

**Section 1. Terms Used in this Law**

The following terms are used in this Law:

1) **applicant** – a parent of a child or guardian who takes care of the child and who has submitted an application to the Administration of the Maintenance Guarantee Fund for the disbursement of maintenance for maintaining this child, or a person of legal age who has submitted an application to the Administration of the Maintenance Guarantee Fund for the disbursement of maintenance for maintaining himself or herself and continues to acquire basic education, secondary education, vocational education or specialised education in the Republic of Latvia;

2) **debtor** – the parent on whom the obligation to pay maintenance for maintaining a child has been imposed by a decision of the Administration of the Maintenance Guarantee Fund, a court ruling or a notarial deed providing for an agreement on periodical maintenance payments and to be enforced according to the procedures for enforcing court judgments (hereinafter – the agreement on maintenance), and instead of whom maintenance payments are disbursed from the Maintenance Guarantee Fund;

3) **maintenance** – monthly expenses of supporting a child which each parent has the obligation to provide to his or her child irrespective of his or her ability to support the child and his or her financial condition, and the minimum amount of which has been determined by the Cabinet on the basis of Section 179, Paragraph five of the Civil Law.

[*14 November 2019*]

**Section 2. Purpose of the Law**

The purpose of the Law is to ensure the implementation of the right of a child to social security and the promotion of the acquisition of education by a child by establishing the Maintenance Guarantee Fund (hereinafter – the Fund) for the disbursement of the maintenance in the amount laid down by this Law if the child acquires education in the Republic of Latvia and either one or both parents of the child fail to provide maintenance.

[*14 November 2019*]

**Section 3. The Fund**

(1) The Fund is the amount of funding provided for in the State budget. The funding of the Fund is used for providing a child with maintenance until he or she attains legal age and also persons of legal age if they continue to acquire basic education, secondary education, vocational education or specialised education in the Republic of Latvia, but not longer than until attainment of the age of 21 years, in any of the following cases:

1) the parent fails to ensure maintenance to his or her child at least in the amount laid down in Section 13, Paragraph 2.2 of this Law, and none of the conditions referred to in Section 11, Paragraph five of this Law exist;

2) the debtor does not comply with the court ruling on the recovery of maintenance or agreement on maintenance, and a sworn bailiff has submitted information hat the debtor has not transferred the amount of money specified in the notification to the deposit account of the sworn bailiff within the deadline specified in the notification on the obligation to comply with the ruling.

(2) The holder of the funding of the Fund shall be the Administration of the Maintenance Guarantee Fund (hereinafter – the Fund Administration). The Fund Administration is a direct administrative authority which is subordinate to the Ministry of Justice.

[*14 November 2019*]

**Section 4. Tasks of the Fund Administration**

(1) The Fund Administration shall perform the following tasks:

1) attract, accumulate and disburse the funding of the Fund in accordance with the objectives specified in Section 3, Paragraph one of this Law;

2) appropriately and efficiently manage the funding of the Fund, as well as ensure the control of its use;

3) register the persons to whom maintenance has been disbursed from the Fund and debtors in accordance with the procedures stipulated by the Cabinet, and also provide information on the abovementioned persons in accordance with the procedures stipulated by the Cabinet.

(2) The Fund Administration shall fulfil the duties of the Central Authority laid down in Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (hereinafter – Council Regulation No 4/2009). The Cabinet shall determine the procedures by which and the amount in which the Fund Administration shall provide legal aid to persons in the cases laid down in Council Regulation No 4/2009, exercise the rights and functions of the Central Authority specified in this Regulation and also perform the tasks of the Central Authority laid down in this Regulation.

(3) The Fund Administration shall fulfil the duties of the Central Authority laid down in the Hague Convention of 23 November 2007 on the International Recovery of maintenance and Other Forms of Family Maintenance (hereinafter – Hague Convention of 23 November 2007). The Cabinet shall determine the procedures by which and the amount in which the Fund Administration shall provide legal aid to persons in the cases laid down in the Hague Convention of 23 November 2007, exercise the rights and functions of the Central Authority specified in this Convention and also perform the tasks of the Central Authority laid down in the abovementioned Convention.

**Section 5. Rights and Duties of the Fund Administration**

(1) The Fund Administration has the right:

1) to receive financing from the State budget;

2) to receive donations and gifts;

3) to request and obtain information free of charge which is necessary for the implementation of the purpose of this Law from State and local government institutions and authorities and also from private individuals;

4) to issue information from the Register of Applicants and Debtors of the Maintenance Guarantee Fund of the State information system to credit institutions, branches of credit institutions, credit bureaus, capital companies which provide credit and financial lease services, insurance companies and providers of electronic communication services on a debtor with whom they are establishing or amending contractual liabilities. The Cabinet shall determine the procedures by which and the amount in which information on the abovementioned persons shall be provided;

5) to divide payment of the sum to be recovered from the applicant in time periods in the case provided for in Paragraph two, Clause 3 of this Section.

(2) The Fund Administration has a duty:

1) to recover maintenance from the debtor which the debtor has an obligation to pay for the maintenance of the child according to the decision of the Fund Administration and which has been disbursed from the Fund in accordance with the procedures laid down in Section 11 of this Law and also the calculated statutory interest;

2) to assume the place of a debt collector without a special court decision in a maintenance case in the part regarding the recovery of disbursed maintenance from a debtor in accordance with the procedures laid down in Section 12 of this Law and receive the statutory interest from the debtor on maintenance amounts disbursed from the Fund and not yet recovered from the debtor;

3) to recover from the applicant the unduly disbursed maintenance amounts and the statutory interest for the unduly disbursed maintenance amounts;

4) to represent in a court and other State and local government institutions in accordance with the procedures laid down in Council Regulation No 4/2009 the persons who in accordance with Council Regulation No 4/2009 have the right to legal aid, i.e. foreign creditors in cross-border recovery maintenance matters for a child or other persons (in accordance with Council Regulation No 4/2009), foreign claimants in cross-border paternity determination matters, if a claim in accordance with Council Regulation No 4/2009 has been raised concurrently with a claim for recovery of maintenance for a child, and also applicants in matters relating to the recognition of decisions of a foreign court or competent authorities on recovery of maintenance for a child or other persons or declaration of enforcement in the cases provided for in Council Regulation No 4/2009;

5) to represent in a court and other State and local government institutions in accordance with the procedures laid down in Hague Convention of 23 November 2007 the persons who in accordance with Hague Convention of 23 November 2007 have the right to legal aid, i.e. foreign creditors in cross-border recovery maintenance matters for a child or other persons (in accordance with Hague Convention of 23 November 2007), foreign claimants in cross-border paternity determination matters, if a claim in accordance with Hague Convention of 23 November 2007 has been raised concurrently with a claim for recovery of maintenance for a child, and also applicants in matters relating to the recognition of foreign court decisions on recovery of maintenance for a child or other persons or declaration of enforcement in the cases provided for in Hague Convention of 23 November 2007.

**Section 6. Information on Debtors**

(1) Information on the fact that the maintenance is disbursed from the Fund instead of a debtor shall be provided by the Fund Administration to natural persons in the single State and local government services portal www.latvija.lv in the following cases:

1) the Fund Administration has not concluded an agreement with the debtor on procedures by which maintenance and statutory interest payments shall be made by him or her, or the debtor does not fulfil the agreement entered into;

2) the debtor is not a person with disabilities or a person who has not been working longer than for a period of six months due to temporary work disability in case work disability is continuous, or for one year over a period of three years if work disability repeats with interruptions.

(2) Information on the fact that the maintenance is disbursed from the Fund instead of a debtor is available to the public in order to promote fulfilment of the obligations of parents – payment of maintenance – and therefore ensure the protection of the rights of the child.

(3) The Cabinet shall determine the procedures by which information on a debtor shall be included in and deleted from the single State and local government services portal www.latvija.lv, and the procedures by which natural persons may request and receive information on a debtor.

**Section 7. Prohibition for a Debtor to Use a Driving Licence for Vehicles and Vessels**

(1) The prohibition for a debtor to use a driving licence for vehicles and vessels registered in the State Register of Vehicles and Their Drivers (hereinafter – the prohibition to use a driving licence for vehicles and vessels) shall be imposed to protect the rights of the child and promote fulfilment of the obligations of parents – the payment of maintenance.

(2) The Fund Administration may decide to impose the prohibition to use a driving licence for vehicles and vessels in the following cases:

1) maintenance payments are disbursed from the Fund instead of a debtor in accordance with Section 11 of this Law and the debtor has not entered into an agreement with the Fund Administration on the procedures by which he or she shall make maintenance payments and statutory interest payments;

2) the debtor has entered into an agreement with the Fund Administration on the procedures by which he or she shall make maintenance payments and statutory interest payments, but he or she fails to fulfil the agreement entered into;

3) maintenance payments are disbursed from the Fund instead of a debtor in accordance with Section 12 of this Law and a debtor has not made maintenance payments for a time period of three consecutive months.

(3) Taking into account the criteria specified in Paragraphs two, four and five of this Section, the Fund Administration may impose the prohibition to use a driving licence for all categories or only a specific category of the vehicles and vessels.

(4) The Fund Administration shall not impose the prohibition to use a driving licence for vehicles and vessels in the following cases:

1) the debtor is a person with disabilities;

2) the debtor is a person who due to temporary work disability has not been working longer than for a period of six months in case work disability is continuous, or for one year over a period of three years if work disability repeats with interruptions;

3) the latter may cause significant harm to the interests of the debtor, the person dependent on him or her or another child under his or her support.

(5) The following circumstances may be considered as circumstances due to which the prohibition to use a driving licence for vehicles and vessels may cause significant harm:

1) the debtor requires the driving licences of motor and water vehicles for he performance of his or her professional duties;

2) a child with disabilities is under the care of the debtor and other means of transport cannot be used;

3) other circumstances due to which exercising of the right of the prohibition to use a driving licence for vehicles and vessels may cause significant harm to the interests of the debtor, the person dependent on him or her or another child under his or her support.

(6) Prior to taking a decision, the Fund Administration shall send a debtor a request to provide an explanation wherein the circumstances due to which the imposition of the prohibition to use a driving licence for vehicles and vessels might cause significant harm to the interests of the debtor, the person dependent on him or her or another child under his or her care must be indicated. The debtor shall append a proof certifying the statements contained in the explanation thereto. The explanation shall be provided within 20 days from the day on which the request of the Fund Administration is received, and a failure to provide an explanation within the specified deadline shall not serve as an obstacle for taking a decision.

(7) Upon receipt of a request from the debtor or upon its own initiative, the Fund Administration shall decide on revoking the prohibition to use a driving licence for vehicles and vessels in the following cases:

1) any of the circumstances referred to in Paragraph four of this Section has set in which prevents from imposing the prohibition to use a driving licence of the means of transport to the debtor;

2) any of the circumstances referred to in Paragraph five of this Section has set in due to which the prohibition to use a driving licence for vehicles and vessels might cause significant harm to the interests of the debtor, the person dependent on him or her or another child under his or her care;

3) the debtor has entered into an agreement with the Fund Administration on a schedule for debt payment and has made three consecutive payments.

(8) The Fund Administration shall make a note in the State Register of Vehicles and Their Drivers on the prohibition to use a driving licence for vehicles and vessels within 20 days after the end of the period for contesting the decision or the end of the period for appeal.

[*3 April 2019*]

**Section 7.1 Suspension of Operation of Firearm Permit of Debtor**

(1) The suspension of the operation of a permit for the purchase, sale, storage, and carrying of a hunting, sports, collectible and self-defence firearm (hereinafter – the suspension a firearm permit) shall be imposed on a debtor in order to protect the rights of a child and to promote the fulfilment of parental obligations – the payment of maintenance.

(2) The Fund Administration may decide on the suspension of a firearm permit if:

1) maintenance payments are disbursed from the Fund instead of a debtor in accordance with Section 11 of this Law and the debtor has not entered into an agreement with the Fund Administration on the procedures by which he or she shall make maintenance payments and statutory interest payments;

2) the debtor has entered into an agreement with the Fund Administration on the procedures by which he or she shall make maintenance payments and statutory interest payments, but he or she fails to fulfil the agreement entered into;

3) the maintenance payments are disbursed from the Fund instead of a debtor in accordance with Section 12 of this Law and three consecutive payments of the debtor for the settlement of a debt have not been received from the sworn bailiff.

(3) Prior to taking the decision, the Fund Administration shall send a request to a debtor to provide an explanation specifying the circumstances due to which the suspension of a firearm permit could cause significant damage to the interests of the debtor. The debtor shall append a proof certifying the statements provided for in the explanation thereto. The explanation shall be provided within 20 days from the day on which the request of the Fund Administration is received, and a failure to provide an explanation within the specified deadline shall not serve as an obstacle for taking a decision.

(4) The Fund Administration may, upon receipt of the request of a debtor or upon its own initiative, decide on the renewal of a firearm permit in the following cases:

1) the debtor has entered into an agreement with the Fund Administration on the schedule for payment of the debt and has made three consecutive payments, if maintenance is disbursed from the Fund in accordance with the procedures laid down in Section 11 of this Law;

2) three consecutive payments of the debtor have been received from a sworn bailiff for the settling the debt if the maintenance is disbursed from the Fund in accordance with the procedures laid down in Section 12 of this Law.

(5) The Fund Administration shall send a decision on the suspension or renewal of a firearm permit to the debtor and the State Police for execution.

[*3 April 2019*]

**Section 7.2 Prohibition to Gamble**

(1) In order to protect the rights of a child and to promote the fulfilment of the parental obligation, i.e. payment of maintenance, a debtor is prohibited to gamble, to participate in interactive gambling, and also to participate in interactive lotteries.

(2) The gambling operator has the obligation to ensure that a debtor is not present at the site where gambling is organised and that a debtor is precluded from access to an interactive gambling website.

(3) In order to ensure the fulfilment of the obligation referred to in Paragraph two of this Section, the gambling operator shall obtain information from the Register of Applicants and Debtors of the Maintenance Guarantee Fund, using an authorised data representation solution maintained by the Lotteries and Gambling Supervision Inspection. The Fund shall ensure the transfer of data to the Lotteries and Gambling Supervision Inspection, using the data distribution network of the State information systems’ integrator according to the procedures for the use of the State information systems’ integrator.

[*8 April 2021 /* *See Paragraph 12 of Transitional Provisions*]

**Section 8. Funding of the Fund**

(1) The financial means for achieving the objectives referred to in Section 3, Paragraph one of this Law and the Fund Administration shall be provided for in the law on the State budget for the current year as separate programmes (sub-programmes).

(2) Funding of the Fund shall be comprised of:

1) a State budget grant from general revenues;

2) the funding recovered from a debtor, but in the case provided for in Section 5, Paragraph two, Clause 3 of this Law – from an applicant;

3) gifts, donations and foreign financial aid.

(3) At the end of the year, the surplus of the funding referred to in Paragraph two, Clauses 2 and 3 of this Section shall remain in the Fund and shall be used in the following year, if the surplus does not exceed the amount of funding actually received during the year.

(4) Funding of the Fund Administration shall be comprised of:

1) a State budget grant from general revenues;

2) gifts, donations and foreign financial aid.

(5) Funding of the Fund and the Fund Administration shall be stored in the Treasury.

**Section 9. The Director of the Fund Administration**

(1) The director who is appointed to and removed from office by the Minister for Justice shall manage the Fund Administration.

(2) The director of the Fund Administration shall:

1) manage and organise the operations of the Fund Administration and ensure the continuity of the operations of the Fund Administration, determine the competence and responsibility of the employees of the Fund;

2) establish structural units of the Fund Administration;

3) determine the staff list of employees of the Fund Administration;

4) be responsible for the establishment and operation of the management decision examination system;

5) take decisions to disburse maintenance, to refuse to disburse maintenance and terminate disbursement; take the decision to impose an obligation on the debtor to pay maintenance and issue an executive order for the recovery of maintenance disbursed on behalf of a debtor and the calculated statutory interest of maintenance from the debtor in the case provided for in Section 5, Paragraph two, Clause 1 of this Law; take the decision on and issue an executive order for the recovery of the funding which the Fund has unduly disbursed, from the applicant in the case provided for in Section 5, Paragraph two, Clause 3 of this Law; take the decision to divide the payment of the sum to be recovered from the applicants to the Fund in the case provided for in Section 5, Paragraph two, Clause 3 of this Law and also other decisions and executive orders laid down in laws and regulations;

6) take the decision to reimburse the funding wrongly transferred to the Fund;

7) represent the Fund Administration without special authorisation;

8) be responsible for the fulfilment of the tasks of the Fund Administration;

9) be responsible for the rational use of the resources of the Fund;

10) be responsible for the lawfulness of the activities of the Fund Administration;

11) ensure that an annual public report on the activities of the Fund Administration and a report on the implementation of the purpose of the Fund are drafted and published.

(3) The director of the Fund Administration may have a deputy.

**Section 10. Right of an Applicant to Receive Maintenance**

(1) An applicant has the right to receive maintenance from the Fund, provided that the following circumstances exist concurrently:

1) the personal identity number in the Republic of Latvia has been assigned to the applicant and the child and the place of residence has been declared in the Republic of Latvia;

2) the child is under the care of the applicant, except when a person of legal age has submitted an application on disbursement of maintenance;

3) the person of legal age continues to acquire basic education, secondary education, vocational education or specialised education in the Republic of Latvia, but not longer than until attainment of the age of 21 years;

4) any of the cases referred to in Section 3, Paragraph one of this Law has set in.

(2) If no obligation to make maintenance payments for maintaining a child has been imposed on a parent by a court ruling on the recovery of maintenance or by an agreement on maintenance and the case referred to in Section 3, Paragraph one, Clause 1 of this Law has set in, maintenance shall be disbursed from the Fund in accordance with Section 11 of this Law.

(3) If disbursement of maintenance has been refused or terminated to the applicant in accordance with Section 11 of this Law, the dispute on the recovery of maintenance shall be resolved at a court.

(4) If the obligation to make maintenance payments for maintaining a child to the applicant has been imposed on a debtor by a court ruling on recovery of maintenance or by an agreement on maintenance and the case referred to in Section 3, Paragraph one, Clause 2 of this Law has set in, maintenance shall be disbursed from the Fund in accordance with Section 12 of this Law.

**Section 11. Receiving Maintenance within the Scope of Administrative Proceedings**

(1) If no obligation to make maintenance payments has been imposed on a parent by a court ruling on the recovery of maintenance or by an agreement on maintenance and the parent fails to provide the maintenance to his or her child at least in the amount laid down in Section 13, Paragraph 2.2 of this Law, the applicant has the right to submit an application to the Fund Administration for the disbursement of maintenance from the Fund.

(2) The Fund Administration shall evaluate the application submitted in accordance with Paragraph one of this Section and within 20 days shall send the parent from whom the applicant wants to receive maintenance a request to provide an explanation wherein the circumstances which in accordance with Paragraph five of this Section may serve as an obstacle for the disbursement of maintenance from the Fund must be indicated. A proof certifying the statements provided for in the explanation shall be appended thereto. The explanation shall be provided within 20 days from the day on which the request of the Fund Administration is received, and a failure to provide an explanation within the specified time limit shall not serve as an obstacle for taking a decision.

(3) The Fund Administration shall take the decision to disburse maintenance from the Fund within 20 days after it has examined the application submitted by the applicant and evaluated the explanation provided by the parent from whom the applicant wants to receive maintenance, or after expiry of the time limit specified for the provision of an explanation. If this time limit cannot be complied with due to necessity of additional information, the Fund Administration may take the decision to extend the time period for issuing the administrative deed for a time period not exceeding four months from the day of receiving the application from the applicant. In such case, the decision to disburse maintenance or to refuse to disburse maintenance shall be taken within 20 days from the day when all the requested documents have been submitted, but not later than within four months from the day of submitting the application.

(4) If the residence address of the debtor in a foreign country has been specified, the Fund Administration shall take the decision to disburse maintenance or to refuse to disburse maintenance within 20 days from the day when all the requested documents have been submitted or the deadline for the submission thereof has expired, but not later than within eight months from the day of submitting the application.

(41) If the debtor has not declared his or her place of residence, a request to provide an explanation shall not be sent and a notification on the initiation of the disbursement of maintenance shall be published in the official gazette *Latvijas Vēstnesis*.

(5) The Fund Administration shall refuse the disbursement of maintenance from the Fund if at least one of the following conditions has set in:

1) the parent from whom the applicant wants to receive maintenance takes care of the child within the meaning of Section 177, Paragraph four and Section 178, Paragraph two of the Civil Law;

2) the person from whom the applicant wants to receive maintenance is not the parent of the child;

3) the court ruling or agreement on maintenance for maintaining a child is effective;

4) the circumstances referred to in Section 14, Paragraph one, Clauses 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 12, 14, and 15 of this Law which affect the right of the applicant to receive maintenance from the Fund have set in;

5) there is a dispute regarding the obligation of the payment of maintenance.

(6) If the parent who has the obligation to pay maintenance has proven that he or she has made the maintenance payment for the current month for maintaining a child at least in the amount which would be disbursed from the Fund for the relevant child, the Fund Administration shall take the decision to extend the deadline for issuing an administrative act for four months from the date of the receipt of the application. If the debtor has submitted evidence that he or she has provided payments for at least three consecutive months within the time period of four months from the date of the receipt of the application for the disbursement of maintenance, the Fund Administration shall take the decision to refuse the disbursement of maintenance.

(7) Upon taking the decision to disburse maintenance from the Fund, the Fund Administration shall concurrently:

1) impose an obligation on the debtor to make maintenance and statutory interest payments to the Fund;

2) warn the debtor of the forced enforcement of the administrative act;

3) inform the debtor of the possibility to enter into an agreement with the Fund Administration on the procedures by which maintenance and statutory interest payments calculated for maintenance shall be made by him or her to the Fund Administration.

(8) If the debtor does not execute the decision voluntarily or has not entered into an agreement with the Fund Administration on the procedures by which he or she shall make maintenance and statutory interest payments calculated for maintenance to the Fund Administration, the Fund Administration shall prepare an execution order and submit it for enforcement to a sworn bailiff in accordance with the procedures laid down in the Administrative Procedure Law.

[*3 April 2019; 14 November 2019*]

**Section 12. Receipt of Maintenance under a Court Judgment or Agreement on Maintenance**

(1) If the obligation to make maintenance payments for maintaining a child to the applicant has been imposed on a debtor by court ruling on the recovery of maintenance or by an agreement on maintenance and the case referred to in Section 3, Paragraph one, Clause 2 of this Law has set in, the Fund Administration shall, based on the application submitted by the applicant and the documents appended thereto, disburse maintenance to the applicant from the funding of the Fund.

(2) The Fund Administration shall take the decision to disburse maintenance also in such case if no information has been received from the sworn bailiff on the fact that the debtor has not transferred the amount specified in the notification to the deposit account of the sworn bailiff within the deadline specified in the notification on the obligation to enforce the ruling, but the debtor has no place of residence, property or place of employment declared in the Republic of Latvia or insolvency proceedings have been proclaimed in for the debtor, and the court ruling on the recovery of maintenance or agreement on maintenance cannot be submitted for enforcement in accordance with the procedures laid down in the Civil Procedure Law.

(3) The Fund Administration shall notify the debtor that a decision has been taken within seven days after the decision to disburse maintenance has been taken. The debtor has a obligation to make payments of maintenance and statutory interest to the Fund in the deposit account of such sworn bailiff under whose management the relevant execution proceedings regarding the recovery of maintenance is from the day when the disbursement of maintenance from the Fund has been commenced. If execution proceedings have not been commenced and maintenance is being disbursed from the Fund by applying Paragraph two of this Section, the debtor has the obligation to make maintenance payments to the Fund Administration.

(4) If the debtor has not declared his or her place of residence, a notification regarding the initiation of the disbursement of maintenance shall be published in the official gazette *Latvijas Vēstnesis*.

(5) The Fund Administration shall notify the sworn bailiff in whose proceedings the relevant execution proceedings regarding the recovery of maintenance are of the disbursement of maintenance or termination of its disbursement, and become the collector of debt in the maintenance recovery case in the amount of sums and statutory interest disbursed to the applicant (Section 5, Paragraph two, Clause 2).

(6) A sworn bailiff has a duty to notify the Fund Administration of the recovered maintenance if such reaches the amount laid down in Section 13, Paragraph 2.2 of this Law.

[*3 April 2019; 14 November 2019*]

**Section 13. Amount of Maintenance, Procedures for Disbursement and Duration Thereof**

(1) The Cabinet shall determine a sample application for the disbursement of maintenance and documents to be appended to the application, and also the procedures by which the Fund Administration shall review the application for the disbursement of maintenance.

(2) The amount of maintenance to be disbursed to the applicant shall be calculated counting from the day when an application was submitted to the Fund Administration, except for the case referred to in Section 14, Paragraph two of this Law.

(21) Maintenance from the Fund shall not be disbursed for the period in which the applicant has received maintenance at least in the amount that would be disbursed from the Fund.

(22) The Cabinet shall determine the amount of maintenance to be disbursed from the Fund.

(23) The amount of maintenance disbursed by the Fund Administration shall not exceed the amount provided for by the court ruling or the agreement on maintenance.

(3) Disbursement of maintenance from the Fund to a person of legal age who acquires basic education, secondary education, vocational education or specialised education shall be disbursed until the moment of acquiring education, but not longer than until attainment of the age of 21 years.

(31) Maintenance shall not be disbursed from the Fund to a person of legal age for a period in which he or she gains income in at least the amount of the minimum monthly wage determined by the Cabinet.

(4) If the applicant has not submitted information to the Fund Administration on its account in a credit institution or postal settlement system wherein maintenance payments must be made, or the submitted information is not accurate, the applicant shall receive the calculated, but not yet disbursed maintenance payments after the Fund Administration has received the submission for the account of the applicant in a credit institution or postal settlement system for a time period which does not exceed three months prior to receipt of the relevant application. If the Fund Administration has taken the decision to terminate the disbursement of maintenance, the submission for the account of the applicant in a credit institution or postal settlement system shall be submitted not later than within three months after the decision to terminate disbursement of maintenance has been taken. In such case the applicant shall receive the calculated, but not yet disbursed maintenance for the past three months before the day on which the decision to terminate disbursement of maintenance was taken, except if the decision to recover the overpaid or unduly disbursed child care has been taken in accordance with Section 17 of this Law.

[*22 November 2017; 3 April 2019; 14 November 2019*]

**Section 14. Termination of Disbursement of Maintenance**

(1) The Fund Administration shall terminate the disbursement of maintenance if at least one of the following conditions has set in:

1) upon attaining legal age, the person has not commenced or has suspended acquisition of basic education, secondary education, vocational education, or specialised education in the Republic of Latvia;

2) the child has attained the age of 21 years;

3) [3 April 2019];

4) the child has registered a marriage;

5) the child has died;

6) the debtor has died;

7) the applicant has died;

8) the applicant has refused to receive maintenance from the Fund by submitting a relevant application to the Fund Administration;

9) the custody rights of the applicant have been discontinued or withdrawn;

10) the guardian to whom maintenance is disbursed from the Fund has terminated fulfilment of the obligations of a guardian;

11) the applicant does not actually take care of the child;

12) the applicant or the child has no declared place of residence in the Republic of Latvia;

13) the debtor has a declared place of residence, property or place of employment in the Republic of Latvia, or the insolvency proceedings of the debtor have been discontinued by court ruling if maintenance was disbursed from the Fund was by applying Section 12, Paragraph two of this Law;

14) a court ruling on the recovery of maintenance has entered into effect or an agreement on maintenance for maintaining a child has been reached if maintenance was disbursed from the Fund in accordance with the procedures laid down in Section 11 of this Law;

15) the legal grounds for the disbursement of maintenance have ceased to exist;

16) the debt to the Fund has been settled in full amount.

(2) If, within three months from the day on which the decision to terminate disbursement of maintenance entered into effect, the applicant has submitted to the Fund Administration the application referred to in Section 12 of this Law and the documents appended thereto and the Fund Administration, having evaluated the right of the applicant in relation to receiving maintenance from the Fund, takes the decision to disburse maintenance, the amount of maintenance to be disbursed to the applicant according to this decision in any of the following cases shall be calculated counting from the day on which the disbursement of maintenance from the Fund was terminated:

1) the court ruling on the basis of which maintenance was disbursed from the Fund is no longer effective as a new court ruling on the recovery of maintenance for maintaining a child has entered into effect;

2) the agreement on maintenance on the basis of which maintenance was disbursed from the Fund is terminated due to a new court ruling on the recovery of maintenance or agreement on maintenance for maintaining a child;

3) the agreement on maintenance is amended;

4) maintenance is disbursed from the Fund in accordance with the procedures laid down in Section 11 of this Law and a court ruling on the recovery of maintenance has entered into effect or an agreement on maintenance has been concluded.

(21) If the disbursement of maintenance has been terminated in accordance with Paragraph one, Clause 13 of this Section and all documents which are necessary for taking a new decision to disburse maintenance have been received, instead of determining the disbursement of maintenance from the day when the new application for the disbursement of maintenance has been received, it shall be determined from the day when the disbursement of maintenance was terminated.

(3) If the condition referred to in Paragraph one, Clause 7 of this Section has set in, the guardian of the child who has been appointed due to the death of the applicant is entitled to request and receive the amounts of maintenance calculated prior to the day of the death of the applicant and not yet disbursed within three months after setting in of this condition. Upon request of the Fund Administration, the relevant Orphan’s and Custody Court shall, not later than within two working days, provide information stating whether the relevant person is the guardian of the child who has been appointed due to the death of the applicant.

(4) If disbursement of maintenance is terminated on the basis of the condition referred to in Paragraph one, Clause 1, 8, 9, 10, 11, 12, or 15 of this Section and it no longer exists, the applicant has the right to submit a new application for the disbursement of maintenance to the Fund Administration in accordance with the procedures laid down in Section 11 or 12 of this Law.

(5) If the condition referred to in Paragraph one, Clause 9 or 10 of this Section has set in, the respective Orphan’s and Custody Court shall notify the Fund Administration thereof.

(6) If the condition referred to in Paragraph one, Clause 14 of this Section has set in, the Fund Administration shall inform the applicant of the right to submit for execution the court ruling on the recovery of maintenance or agreement on maintenance in accordance with the procedures laid down in the Civil Procedure Law, but in the case referred to in Section 3, Paragraph one, Clause 2 of this Law the applicant has the right to submit to the Fund Administration the application referred to in Section 12 of this Law and the documents appended thereto.

[*3 April 2019; 8 April 2021*]

**Section 15. Repayment of Unduly Disbursed Maintenance**

(1) If undue disbursement of maintenance to the applicant has been discovered, the Fund Administration shall take the decision to recover the disbursed maintenance and statutory interest of unduly disbursed maintenance and notify the applicant thereof.

(2) The applicant has an obligation to execute the decision referred to in Paragraph one of this Section within 30 days from the day of receipt of the decision.

(3) If there is a justified reason, the applicant may request the Fund Administration to divide in time periods payment of the amount of the unduly disbursed maintenance and the statutory interest calculated for them within 10 days from receipt of the decision referred to in Paragraph one of this Section, by submitting a relevant application.

(4) The Fund Administration shall examine the application referred to in Paragraph three of this Section within seven days after receipt thereof and take the decision to divide payment in time periods or the decision to refuse to divide payment in time periods. If the Fund Administration takes the decision to refuse to divide payment in time periods, the applicant must execute the decision referred to in Paragraph one of this Section within 10 days from the day of taking such decision. If the time period for executing the decision laid down in this Paragraph sets in earlier than the time period laid down in Paragraph two of this Section, the longest time period shall be conformed to.

(5) The Fund Administration shall prepare a warning of compulsory enforcement of the decision referred to in Paragraph one of this Section and notify the applicant thereof, if the applicant:

1) does not execute the decision referred to in Paragraph one of this Section within 30 days from the day of receipt thereof;

2) has received the decision to refuse to divide payment in time periods and does not execute the decision referred to in Paragraph one of this Section within the time period referred to in Paragraph four of this Section;

3) has missed at least one of the time periods indicated in the decision referred to in Paragraph four of this Section on division of payment in time periods.

(6) If the applicant does not execute the decision referred to in Paragraph one of this Section voluntarily within 10 days after receipt of the warning of compulsory enforcement of the decision, the Fund Administration shall prepare and submit an executive order issued in accordance with the procedures laid down in the Administrative Procedure Law to the sworn bailiff for enforcement.

**Section 16. Procedures for Contesting and Appealing a Decision of the Director of the Fund Administration**

(1) Decisions taken by the director of the Fund Administration may be appealed by submitting an application to the State Secretary of the Ministry of Justice in accordance with the procedures laid down in the Administrative Procedure Law. The decision by the State Secretary of the Ministry of Justice may be appealed to a court in accordance with the procedures laid down in the Administrative Procedure Law. A court ruling on the prohibition to use a driving licence for vehicles and vessels or refusal to revoke prohibition to use a driving licence for vehicles and vessels is not subject to appeal.

(2) Submitting an application to the State Secretary of the Ministry of Justice or submitting an application to a court does not suspend the decision taken by the director of the Fund Administration with the following exceptions:

1) it is suspended on the basis of a decision drawn up in written form by the reviewer of the submission or application;

2) the director of the Fund Administration has taken the decision to prohibit the use of a driving licence for vehicles and vessels.

**Section 17. Obligations of the Applicant**

(1) An applicant has an obligation to inform the Fund Administration of circumstances which affect the right to receive maintenance not later than within three working days after the day these circumstances have set in, submitting the relevant application, if:

1) the child is actually not in the care of the applicant, except when the application for the disbursement of maintenance has been submitted by a person of legal age for maintaining himself or herself;

2) the person of legal age does not continue acquisition of education in the Republic of Latvia;

3) the applicant or the child has no declared place of residence in the Republic of Latvia;

4) the applicant has received maintenance, including if maintenance payments have been made with the intermediation of a third party (except for a sworn bailiff), indicating in the application the amount of maintenance received and the date when the maintenance has been received;

5) maintenance has been disbursed from the Fund in accordance with the procedures laid down in Section 11 of this Law and the debtor takes care of the child within the meaning of Section 177, Paragraph four and Section 178, Paragraph two of the Civil Law;

6) the child has registered a marriage;

7) maintenance has been disbursed from the Fund in accordance with the procedures laid down in Section 11 of this Law and a court ruling on the recovery of maintenance has entered into effect or an agreement on maintenance has been entered into;

8) the court ruling on the basis of which the maintenance is being disbursed from the Fund has lost its validity or a new court ruling has come into effect on the recovery of maintenance for maintaining a child;

9) the agreement on maintenance is either terminated or amended;

10) the person instead of whom the applicant wants to receive maintenance is not the parent of the child;

11) other circumstances have set in which affect the right to receive maintenance.

(2) An applicant has the obligation to repay to the Fund the maintenance disbursed from the Fund and the statutory interest for the sums of unduly disbursed maintenance:

1) if the applicant has knowingly provided false information (in order to receive maintenance);

2) if the applicant has not notified of circumstances which affect the right to receive maintenance within the time period specified in this Law;

3) which have been disbursed after setting in of circumstances which affect the right to receive maintenance.

[*3 April 2019*]

**Section 18. Obligation of the Debtor to Repay Maintenance**

(1) A debtor has the obligation to repay to the Fund the maintenance disbursed in accordance with the procedures laid down in Sections 11 and 12 of this Law and the statutory interest thereon.

(2) Accumulation of the statutory interest shall be suspended in the month in which the Fund Administration has received an application of the debtor with a request to conclude an agreement on the procedures by which he or she shall make maintenance and statutory interest payments, provided that the abovementioned agreement is signed, the debtor fulfils the agreement entered into and the decision to disburse maintenance has not been handed over to a sworn bailiff for enforcement.

(3) A claim of the Fund Administration for the recovery of the disbursed maintenance from a debtor and the statutory interest calculated for it shall not have a limitation period.

**Section 19. Avoidance of a Debtor from Providing Maintenance**

If a debtor fails to fulfil the the obligation to maintain a child imposed upon him or her by a decision of the court or the Fund Administration, the debtor shall be recognised as avoiding from the maintenance of the child, except when:

1) the debtor has no property or income against which recovery can be directed, and the debtor has registered as an unemployed person with the State Employment Agency;

2) the debtor is a person with Group I or Group II disability and the debtor does not have property or income, except for a disability pension;

3) the debtor has come under State care or has been admitted to a long-term social care and social rehabilitation institution the services of which are fully or partially financed from the State or local government budget;

4) the debtor and the Fund Administration have entered into an agreement for the procedures by which the debtor shall make maintenance payments and statutory interest payments, and the debtor fulfils the agreement entered into.

[*3 April 2019; 14 November 2019*]

**Section 20. Submitting of Application Using Online Forms**

Electronic applications shall be examined in accordance with the procedures laid down in this Law if they have been submitted and the identity of the person has been verified using online forms which are available in the State administration services portal www.latvija.lv.

[*8 April 2021*]

**Section 21. Transfer of a Maintenance Debt for Recovery to a Person who Recovers Debt Extrajudicially**

(1) In the cases referred to in Section 11, Paragraph eight of this Law, the Fund Administration shall assign a provider of debt recovery services (hereinafter – the debt collector) to recover debt which has arisen on the basis of a decision and the statutory interest calculated for it (hereinafter – the debt to be recovered) before transfer for forced execution to a sworn bailiff.

(2) The Fund Administration shall transfer information which is necessary in the process for the recovery of the debt to be recovered to the debt collector: the date and number of the decision of the Fund Administration on the disbursement of maintenance, the information as to when the disbursement of maintenance from the Fund has been commenced, and also the information on the debtor – the given name, surname, personal identity number, address of the declared place of residence, and amount of maintenance to be disbursed. The debt collector shall, within five days after receipt of the information, commence recovery of the debt to be recovered and carry it out in accordance with the procedures laid down in the Law on Extrajudicial Recovery of Debt insofar as it has not been laid down otherwise in this Law.

(3) The debt collector shall carry out the process for the recovery of the debt to be recovered for not longer than six months if, from the day when the information necessary for the debt recovery process has been received from the Fund Administration or from the day of the last payment made, the debtor has not made any payment to the debt collector.

(4) If the debt collector carries out the process for the recovery of the debt from the debtor also on the basis of a claim of another creditor and receives a payment from the debtor which does not specify which claim of a creditor is subject to repayment, the payment received shall be transferred for the repayment of the debt to be recovered.

(5) If, during the process for the recovery of the debt to be recovered, the debtor repays the abovementioned debt to the Fund or enters into an agreement with the Fund Administration for the procedures by which he or she will make payments of maintenance and statutory interest to the Fund Administration, the Fund Administration shall inform the debt collector thereof and the debt collector shall terminate the debt recovery proceedings in relation to the abovementioned debt. If a new debt to the Fund forms for the debtor or the debtor does not fulfil the agreement entered into, the Fund Administration shall, in accordance with the procedures laid down in the Administrative Procedure Law, prepare an executive order and submit it to a sworn bailiff for execution.

(6) The debt collector shall, once a month, transfer the part of the debt recovered to the Fund and send a report to the official electronic address of the Fund Administration on the payments received, indicating the given name, surname, personal identity number of the debtor, the number of the decision of the Fund Administration, and the amount of the payment made. Upon request of the Fund Administration, the debt collector has the obligation to provide other information requested without delay.

(7) The debt collector shall, within five days after the end of the process for the recovery of the debt to be recovered, send information to the official electronic address of the Fund Administration on termination of the case and the final calculation, indicating all payments made by the debtor and the remuneration deducted. If the debt to the Fund to be recovered has not been covered to the full extent, the Fund Administration shall, after receipt of the information, prepare an executive order in accordance with the procedures laid down in the Administrative Procedure Law and submit it to a sworn bailiff for execution.

(8) The expenses which have arisen to the debt collector in relation to the recovery of the debt to be recovered and also the remuneration of the debt collector which does not exceed six per cent of the amount of the debt to be recovered shall be covered by the debtor. The debtor has the obligation to reimburse the expenses for the recovery of the debt arisen to the debt collector also after the process for the recovery of the debt to be recovered has been terminated.

[*8 April 2021 /* *Section shall come into force on 1 September 2021 and shall be in force until 31 August 2022.* *See Paragraph 13 of Transitional Provisions*]

**Transitional Provisions**

1. With the coming into force of this Law, the Maintenance Guarantee Fund Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2004, No. 14; 2009, No. 14; *Latvijas Vēstnesis*, 2009, No. 200; 2011, No. 95; 2012, No. 6, 190; 2013, No. 188, 232; 2014, No. 228) is repealed.

2. The provision laid down in Section 10, Paragraph one, Clause 3, Section 13, Paragraph three, Section 14, Paragraph one, Clauses 1 and 2, and Section 3, Paragraph one of this Law, stipulating that maintenance is to be provided to a person of legal age who acquires education in the Republic of Latvia, shall be applied from 1 September 2017. Until 31 August 2017, maintenance shall be disbursed from the funding of the Fund not longer than until the day on which the person attains legal age.

3. Section 3, Paragraph one, Clause 1, Section 5, Paragraph two, Clause 1, Section 6, Paragraph one, Clause 1, Section 10, Paragraphs two and three, Section 11, Section 14, Paragraph one, Clause 14 and Paragraph six, Section 17, Paragraph one, Clauses 5 and 7, Section 18, Paragraph two of this Law, stipulating receipt of maintenance within the scope of administrative proceedings, shall come into force on 1 April 2017.

4. In maintenance disbursement cases in which the applicant has not submitted information to the Fund Administration until 31 January 2017 on his or her account in a credit institution or postal settlement system or if the submitted information is not accurate, the applicant shall receive the full amount of the calculated but not yet disbursed maintenance payments if the applicant submits to the Fund Administration a submission for his or her account in a credit institution or postal settlement system until 30 April 2017.

5. The Cabinet shall issue the Cabinet regulations provided for in Section 6, Paragraph three of this Law until 31 January 2017 and the Cabinet regulations provided for in Section 4, Paragraph one, Clause 3, Paragraphs two and three, Section 5, Paragraph one, Clause 4 and Section 13, Paragraph one of this Law – until 31 March 2017. Until the day when the relevant Cabinet regulations come into force, but not longer than until 31 March 2017, the following Cabinet Regulations shall be applicable insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 571 of 19 July 2011, Procedures by which the Administration of the Maintenance Guarantee Fund Carries out the Duties of the Central Authority in Cross-border Maintenance Matters;

2) Cabinet Regulation No. 71 of 4 February 2014, Regulations Regarding Disbursement of Maintenance.

6. Section 7 and also the third sentence of Section 16, Paragraph one and Paragraph two, Clause 2 of the Law shall come into force on 1 April 2017.

7. Until 31 December 2017, the director of the Fund Administration shall take the decision to impose the prohibition to use a driving licence for vehicles and vessels ion those persons who have obtained the status of a debtor until 31 March 2017, and primarily on those persons who have the largest amount of accumulated maintenance debt in comparison with other debtors.

8. During the period from 1 January 2018 until 31 December 2018, maintenance from the Fund shall be disbursed in the following amount: for each child from his or her birth to attaining the age of seven years – in the amount of 23 per cent of the minimum monthly wage determined by the Cabinet, for each child from attaining the age of seven years until the age of 18 years and for each person of legal age from 18 years until the age of 21 years – in the amount of 27.5 per cent of the minimum monthly wage determined by the Cabinet, but not more than that determined in the court ruling or the agreement on maintenance.

[*22 November 2017*]

9. During the period from 1 January 2019 until 31 December 2019, maintenance from the Fund shall be disbursed in the following amount: for each child from his or her birth to attaining the age of seven years – in the amount of 24 per cent of the minimum monthly wage determined by the Cabinet, for each child from attaining the age of seven years until the age of 18 years and for each person of legal age from 18 years until the age of 21 years – in the amount of 28.5 per cent of the minimum monthly wage determined by the Cabinet, but not more than that determined in the court ruling or the agreement on maintenance.

[*22 November 2017*]

10. During the period from 1 July 2019 to 30 June 2023, the Fund Administration shall transfer the payments of the debtor made voluntarily to the Fund, as well as the funds acquired in the process of enforcement measures to cover the basic maintenance debt and erase the statutory interest calculated on the maintenance debt disbursed in accordance with the procedures laid down in Sections 11 and 12 of this Law, if the basic debt is settled in full amount within the specified time period. The statutory interest shall continue to increase until the settlement of the basic debt in full amount, except for the case referred to in Section 18, Paragraph two of this Law.

[*3 April 2019; 8 April 2021*]

11. Section 13, Paragraph 3.1 of this Law shall come into force on 1 July 2019.

[*3 April 2019*]

12. Section 7.2 of this Law which provides a prohibition for a debtor to gamble, to participate in interactive gambling, and also to participate in interactive lotteries shall come into force on 1 May 2021.

[*8 April 2021*]

13. Section 21 of this Law shall come into force on 1 September 2021 and shall be in force until 31 August 2022. The cases of extrajudicial recovery of debt commenced in accordance with Section 21 of this Law shall be terminated in accordance with the regulation laid down in the abovementioned Section. The debt recovery process shall be carried out not longer than until 31 August 2022 if payments are received during the debt recovery process, or for not longer than six months if, from the day when the information necessary for the debt recovery process has been received from the Fund Administration or from the day of the last payment made, the debtor has not made any payment to the debt collector.

[*8 April 2021*]

This Law shall come into force on 1 February 2017.

The Law has been adopted by the *Saeima* on 1 December 2016.

President R. Vējonis

Rīga, 21 December 2016