

Towards a Rights-Based Framework: Reflections on the 2007 Child Support Convention

Minji Kim | HCCH Asia Pacific Week 2025

Bridging the Gaps:

Rethinking Child Support Through a Rights-Based Lens

- Domestic progress: legal reform, public enforcement
- Cross-border enforcement: serious gaps remain
- Not just technical - rights at stake
- Support reframed as legal entitlement
- 2007 Convention = cooperation + accountability

“How can the Convention help Korea move forward? ”

Laying the Foundation: Institutional and Legislative Reforms

Shift to public enforcement and state accountability

- 2014: Child Support Enforcement Act enacted
 - 2015: Child Support Agency established
-

Recent Amendments:

- 2021: New sanctions - Disposition to Suspend Driver's Licenses, prohibition on departure, name disclosure, criminal penalties
- 2024: Agency restructured, sanctions strengthened
- 2025: Prepayment and recovery system introduced

Clarifying Jurisdiction: The 2022 PIL Amendment

- Jurisdictional reform - clearer principles and structured rules for cross-border cases

Article 60 (1) – Jurisdiction over Cases Regarding Support

“The court shall have international jurisdiction over cases regarding support, where a person entitled to support has his or her habitual residence in the Republic of Korea.”

Structuring the Strategy:

Rights-Based Enforcement in Practice

- Three interlocking strategies define Korea's rights-based enforcement approach.

Strategy	Core Focus
1. Legal Sanctions	Enforcing compliance through formal penalties
2. Support for custodial parents	Direct assistance and proactive enforcement measures
3. Stronger state involvement	Shifting from fallback role to lead enforcement actor

When Enforcement Fails: A Case and Its Broader Implications

“The respondent was not given a genuine opportunity to defend himself, and the French judgment did not satisfy the requirements under Article 217(1)(ii) of the Civil Procedure Act.”

Excerpt from a 2024 High Court judgment delivered in October

“When the obligor resides abroad and lacks domestic assets, we usually advise against pursuing the case due to cost, time, and low enforceability.”

Based on field experience from a practicing family lawyer in 2025

Missing Cases, Shared Responsibilities

- “Family Environment and Alternative Care”

Sub-section (para.)	Committee’s Recommendation
Family environment (para. 31(d))	<i>“Promote and ensure access to and the enforcement of child support payments and also ensure that sanctions for non-compliance do not compromise the best interests of the child.”</i>
Illicit transfer and non-return (para. 34)	<i>“The Committee recommends that the State party consider adopting ... the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance.”</i>

Expanding the Framework: A Fourth Strategy for Cross-Border Enforcement

Three existing strategies	1. Legal sanctions
	2. Support for custodial parents
	3. Stronger state involvement



"Cross-border limitations remain"



Fourth Strategy: 2007 Child Support Convention

Concluding Reflections: Time to Begin the Conversation

◆ What Korea has already

done

- Legal foundations laid
- Institutional capacity improving

◆ What lies ahead

- Cross-border cases increasing
- Need for coordinated international tools

*“Now is not the time to reset.
It’s time to begin the conversation.”*

Thank you for your attention.



mjkim826@kicj.re.kr



한국형사·법무정책연구원
Korean Institute of
Criminology and Justice