




DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF THE ATTORNEY GENERAL  
THE CAPITOL  
TALLAHASSEE, FLORIDA 32304

**JIM SMITH**  
*Attorney General*  
*State of Florida*

October 1, 1982

DECLARATION OF RECIPROCITY

Pursuant to §88.0405, F.S., and for the reasons set forth in the attached opinion, I hereby declare France to be a reciprocating state for the purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968), commencing October 1, 1982.

  
\_\_\_\_\_  
JIM SMITH  
ATTORNEY GENERAL



DEPARTMENT OF LEGAL AFFAIRS  
OFFICE OF THE ATTORNEY GENERAL  
THE CAPITOL  
TALLAHASSEE, FLORIDA 32304

# 2218  
9.28.82  
CW

JIM SMITH  
Attorney General  
State of Florida

OCT 1 1982

The Honorable David H. Pingree  
Secretary  
Department of Health and Rehabilitative  
Services  
1317 Winewood Boulevard  
Tallahassee, Florida 32301

Re: Declaration of Reciprocity with France.  
§88.0405, F.S.

Dear Secretary Pingree:

This is in response to your request that this office declare France to be a reciprocating state for purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968).

Section 88.0405(1), F.S., provides that the Attorney General may declare a foreign nation or state of a foreign nation to be a reciprocating state for purposes of Ch. 88, F.S., if the Attorney General finds that reciprocal provisions are available in the foreign nation or state of a foreign nation for the enforcement of support orders issued in the State of Florida. See also, §88.031(8), F.S., defining "state" for purposes of Ch. 88 to include "any foreign nation or state of a foreign nation declared pursuant to §88.0405 to have similar reciprocal provisions." You have supplied this office with copies of the pertinent provisions of French law relating to the establishment and enforcement of support, together with English translations thereof. Based upon my examination of the provisions of French law supplied to this office, I am of the opinion that procedures for the enforcement of support orders issued in this state are available under French law and therefore under the provisions of §88.0405, France may be declared to be a reciprocating state.

French law provides reciprocal support enforcement procedures to enforce child support orders entered by a court in the United States against responsible parents living in France. The Hague

Convention concluding October 2, 1973, entitled the "Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations," adopted provisions which make French law in the area of support obligation substantially similar to the provisions of the Revised Uniform Reciprocal Enforcement of Support Act. The Ministry of Justice in France is the central authority for receiving petitions for recovery of support obligations established by courts of law in the United States. The Ministry of Justice is empowered to receive petitions to locate responsible parents residing in France, petitions to ascertain the financial status of obligors, and petitions for the establishment of support obligations and the enforcement of foreign orders in France. Under French civil law support obligations are based on marriage, kinship or in-law relationships. Support is provided, similarly to Florida substantive law, based on the needs of the person who claims it and the income of the person who owes it. Several civil procedures exist under French law to ensure enforcement of support orders, including general methods of execution. The non-payment of support constitutes a criminal offense, "abandon de famille," for which judicial prosecutions may be initiated by the public prosecutor on request of the person to whom support is owed. French decisional law as well as articles of the Hague Convention provide for the recognition of foreign decisions relating to support obligations and provide procedures for the enforcement of support against responsible parents residing in France.

It therefore appears that reciprocal provisions for the enforcement of support orders issued in the State of Florida are available under French law; accordingly, I am of the opinion that France pursuant to §88.0405, F.S., may be declared to be a reciprocating state.

With all good wishes,

Sincerely,

JIM SMITH  
ATTORNEY GENERAL

JS/CWw