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procedures of family rights

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STUDY ON THE ENFORCEMENT OF FAMILY JUDGMENTS

LITHUANIA REPORT

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I. LEGAL QUESTIONNAIRE

PART 1. ENFORCEMENT IN DOMESTIC CASES

1A. Procedures and practices for enforcement in domestic cases

1. Description of the general law for enforcement of:

a. decisions on custody, including orders on the place of residence of the child

b. orders on contact and/or access rights

In Lithuania enforcement of all civil law (as well as family law) decisions, orders and judgements is performed keeping to the rules established in the Code of Civil Procedure of the Republic of Lithuania (hereinafter – CPC) and Instruction of Enforcement of Judgements, approved by the 27 October 2005 Order No. R-352 of the Minister of Justice. System of civil (and family) law enforcement is based on so called French (Dutch) model, where judgements are executed by private bailiffs who are granted state officers' powers to execute judgements.

Part 1 of the Article 585 of CPC stipulates that demands of a bailiff to enforce judgments, to make oneself familiar with the documents necessary to enforce a judgment or to refrain from actions that can hinder the enforcements of judgments, save in the cases specified by law, shall be mandatory to all persons and complied with within the time period set by the bailiff. Part 2 of the

same Article stipulates that if a bailiff is hindered from executing enforceable instruments, the bailiff may call the police to eliminate the hindrance. The presence of the police is necessary in such a case.

Decisions, orders and judgements may be enforced only after standing up (entry into effect), which means the expiration of time to lodge the appeal or the finish of the appeal procedure.

The court has the power to order so called urgent enforcement before the standing up if a delay in enforcing the judgement due to special circumstances may cause substantial damage to the plaintiff or render the judgement not feasible or difficult to enforce (Art. 283 of CPC). By allowing enforce the judgement urgently, the court must require the plaintiff to ensure the recourse on the enforcement of the judgement in case the enforced judgement of the court is reversed after it has been enforced.

At any stage of the procedure court upon request of the plaintiff or by its own motion when the public interest so requires (in family law cases it means interests of the child) has the power to apply protective interlocutory measures which in family law cases may be granting the right to see the child, temporary return of the child, determination of temporary residence of the child, etc.

For the execution of the decision, order or judgement first of all the claimant should obtain the execution writ. The application for it is made to the court which heard the case in the first instance. The execution writ is to be submitted to the bailiff working in the designated territory where judgement debtor has his place of residence (Art. 590, 650 of CPC). Usually there are several bailiffs working in the same territory. The applicant may choose any of them he prefers.

Execution costs prescribed in the Instruction of Enforcement of Judgements are payable in advance. 100 or 50 percent of such costs are paid by the state when the claimant matches criterions for granting secondary legal aid. Moreover bailiff has the discretion to postpone payment of execution costs in all situations and recover it from the judgement debtor.

According to the substantial law and legal practice all questions concerning children must be resolved giving the priority to the child's interests and with the participation of the state institution for the protection of the children rights (the Municipal Children Rights' Protection Services). Enforcement is not an exception. For example, the Article 764 of CPC stipulates that to enforce the court judgment on the transfer (return) of children, a bailiff shall carry out acts of enforcement in the presence of the acceptor of the children and a representative of the state institution for the protection of the children rights; execution of judgments specified in this Article must ensure protection of the child's rights.

2. Comments as to the practice of the law with respect to:

a. decisions on custody, including orders on the place of residence of the child

b. orders on contact and/or access rights

Bailiffs consider the family law enforcement procedures which are the subject of the study as very difficult procedures. This is for several reasons.

Firstly, this is because of the psychological impact of such enforcement activities on the child and conflicting parties. Therefore bailiffs try to take any possible measures to settle such cases amicably. They arrange settlement meetings of conflicting parties, take measures to convince them to settle, invite social workers and psychologists from municipal Child Protection Services to conduct dialog with/of all involved parties, etc.

Secondly, procedure for the family law enforcement is not regulated in detail. Aforementioned stipulations of the Articles 585 and 764 of CPC are the only legal norms in this sphere. Bailiffs acknowledge this situation as the lack of regulation and consequently as the deficiency of law. If speaking about practical enforcement of contact (access) rights, only supporting coercive measures stipulated in the Article 771 of CPC (see below 1A 3) are applied in practice.

Thirdly, in practice the cooperation of bailiffs with the Municipal Children Rights' Protection Services is not perfect in all instances. There are number of situations when bailiffs do not perform properly giving the information on family law enforcement to the municipal children protection services. On the other hand there have been number of situations when the Municipal Children Rights' Protection Services had not reacted at all on bailiffs' invitations to participate in the family law enforcement procedures. Lack of coordinated policies of bailiffs and Children Rights' Protection Services activities emerged. This year the State Child Rights' Protection and Adoption Service under the Ministry of Social Security and Labour started to organize meetings with the Chamber of Bailiffs trying to improve the situation.

Fourthly, training of bailiffs and Children Rights' Protection Services employees is not sufficient yet. But the situation gets better. In 2005 they empowered the State Child Rights' Protection and Adoption Service with the function to organize continuing training for the Municipal Children Rights' Protection Services. Before that almost no continuing education was provided for employees of such institutions. The reform served the purpose. Seminars, conferences and training courses have started. The Chamber of Bailiffs also takes measures to set up continuing education schemes. Bailiffs found it very useful for family law enforcement attending mediators training courses what are organized by the Chamber of Bailiffs in cooperation with Vilnius University.

3. Supporting orders

a. what supporting orders (i.e. 'compliance orders' or 'measures to further the effect of the family law judgment') are available under domestic law?

b. can you make any remarks as to legal practice (i.e. what supporting orders are practicable, what is the usual content)

The child return/transfer orders may be executed by force according to the rules of the Articles 585 and 764 of CPC when needed (see above 1A 1). Under the Article 771 of CPC if the family law judgment, decision or order (other than the return/transfer order) is not executed, the bailiff is documenting this in a statement. Such statement is referred to a district court at the place of enforcement. The court renders a ruling to apply the consequences specified in the judgment on the basis of debtor's failure to perform or cancel particular actions. If the judgment specifies no consequences of non-execution of the judgment, the mentioned statement is referred to the court that passed the judgment. It resolves the question of amending the procedure for enforcement of the judgment in accordance with the rules set in the Article 284 of CPC. If review of the question of non-execution of the judgment reveals that the judgment creditor has no funds to execute the judgment, at the latter's request the court passes a ruling to recover the necessary funds from the debtor. When a judgment obligating the debtor to perform or cancel particular actions that can be performed or cancelled only by the debtor himself is not executed by the set time limit, the aforesaid statement is rendered by the bailiff to a district court at the place of enforcement. The question of non-execution of the judgment is heard in a court hearing. The time and venue of the hearing is notified to the judgment creditor and debtor, but their non-appearance before the court does not prevent from hearing of the reasons of non-execution of the judgment. Upon establishment that the debtor failed to execute the judgment, the court may impose a fine up to one thousand litas¹ on the debtor in favour of the judgment creditor and set a new time limit for execution of the judgment. If the debtor violates the time limits set for execution of the judgment for the second or more times, the court applies him sanctions specified above. Payment of the fine does not release the debtor from his obligation to perform or cancel actions set forth in the judgment.

¹ Aprox. 290 Euro. There are proposals under consideration in the Ministry of Justice to increase this maximum sum of the fine up to 5000 litas (aprox. 1450 Euro).

1B. Specific issues relating to the enforcement of family law judgments in domestic cases

1. The organisation of organs and institutions involved in enforcement of family law

a. Regulation under substantive law (legislation that establishes the organ or institution and regulates its tasks and powers)

b. Procedural law rules relevant for the functioning of these organisations (procedural rules on the role of these organisations in the enforcement of family law decisions)

c. Practical aspects relevant for the legal position of these organisations

The main figure in procedures of the family law enforcement is a bailiff. This profession is regulated by the 9 May 2002 Law on Bailiffs of the Republic of Lithuania. The system was radically reformed in 2002-2003 to introduce French (Dutch) model of execution officers from 1 of January 2003. Before that Lithuania had the system of court bailiffs. They were state employed officers. The reform performed successfully. Efficiency of enforcement, competence of bailiffs and their professional capacity increased considerably and continues to grow. The Chamber of Bailiffs is an association of all bailiffs of Lithuania. It coordinates general policy of the profession, has powers to take disciplinary measures, organizes continuing education.

The 14 March 1996 Law on Fundamentals of Protection of the Rights of the Child of the Republic of Lithuania provides for Municipal Institutions for Protection of the Rights of the Child. Specialized Children Rights' Protection Services are established in every municipality. Their activities are regulated by the General Standing Orders of the Children Rights' Protection Services approved by the 17 December 2002 Decision No. 1983 of the Government of the Republic of Lithuania. These institutions are to cooperate with bailiffs, to help them preserve children interests in family law enforcement. Social workers and psychologists are main employees of the above services.

The former Adoption Service under the Ministry of Social Security and Labour was reformed in the end of 2005 to perform functions of coordination of activities of municipal Children Rights' Protection Services, to organize their continuing education and to perform functions of Central Authority for the children rights' protection under various conventions and international instruments effective to Lithuania (e.g. the 1980 Hague Convention on the Civil Aspects of International Child Abduction, etc.). Now its name is the State Child Rights' Protection and Adoption Service under the Ministry of Social Security and Labour. Its activities are regulated by the Standing Orders approved by the 20 October 2005 Decision No. 1114 of the Government of the Republic of Lithuania.

Police Department under the Ministry of Interior and subordinate police authorities are to help bailiffs in eliminating the hindrance when performing enforcement. They also organize location of missing persons (children as well) upon request of the bailiff, court or any other interested person or institution. The 17 October 2000 Law on Police Activities of the Republic of Lithuania is the main source of legal regulation.

The State Border Protection Service under the Ministry of Interior performs control over persons and vehicles crossing the state border. Its activities effectively minimize risk of international child abduction from the country. This is because specific regulation of the Order of Temporary Departure of the Child Abroad (approved by the 22 February 2002 Decision No. 302 of the Government of the Republic of Lithuania). This order allows bringing under-aged children abroad only when traveling with both parents or having written consent of both of them (signature in under the written consent must be approved by the notary). There are several exceptions when the consent is not needed: if the child is traveling abroad with the parent who has the court judgement setting forth the residence of the child together with that parent, if the consent can not be obtained because of the objective reasons (for example, death of the parent), if the parent rejects to

give the consent without reasonable justification, the permission for bringing the child abroad may be granted by the Municipal Children Rights' Protection Service.

The Institution of Controller (Ombudsman) of Child's Rights is set up by the 25 May 2000 Law on the Controller for the Protection of the Rights of the Child of the Republic of Lithuania. In the sphere of family law enforcement this Ombudsman controls activities of state, municipalities and non-governmental institutions and organizations, and private persons that could violate the rights and rightful interests of the child.

2. Time limits relevant for enforcement proceedings

a. Time limits for appeal, both against family law decisions and against decisions supporting their enforcement

b. Any other time limits that have an effect on enforceability

c. The effect of appeal on enforceability

d. The effect of the passing of time on the enforceability of a family law judgement

e. The effect of change of circumstances on the enforceability

The Article 307 of CPC stipulates that an appeal against the judgement can be lodged through the court, the judgement of which is being appealed, within thirty days of the day the judgment of the court of first instance was passed.

The Article 335 of CPC provides for different time limits to lodge an appeal against court of the first instance decisions (it is called separate appeal against the decision of the court). Separate appeals may be lodged through the court, the decision of which is being appealed, within seven days of the day the decision was passed. If the court decision being appealed was passed by means of written proceedings, a separate appeal may be lodged within seven days of the day the copy of the decision was served.

The appeal and separate appeal both have suspending effect on the standing up of the judgement or the decision and as a consequence on the enforcement of it also. It is in discretion of the court to grant urgent enforcement, i.e. enforcement before the standing up (Art. 283 of CPC, also see above 1A 1).

When the appellate procedure is finished the judgement or the decision stands up and may be enforced. The cassation complaint against that judgement or the decision may be lodged to the Supreme Court of Lithuania within three months (Art. 345 of CPC). The logging of the cassation complaint itself has no automatic suspending effect, but the Supreme Court on the application of the cassator may decide to stay the enforcement procedure if considers it reasonable and well-grounded.

In Lithuanian law we have time limits for submitting enforceable instruments for enforcement. The Article 606 of CPC states that execution writs based on court judgments may be submitted for execution within ten years from the date of standing up of the court judgment. The time limit for submitting execution writs subject to urgent enforcement is calculated from the first day after the adoption of the judgement. After the expiration of these time limits bailiffs should reject the admission for the enforcement of the particular execution writ.

All abovementioned time limits are renewable by the court decision if the claimant proves that he/she passed it because of the serious reason.

Change of circumstances may have two different types of effects on enforceability.

First, it may furnish the ground to apply to court for staying or scheduling enforcement of the judgement, or changing the enforcement procedure of the judgement (Art. 284 of CPC). These issues are to be considered at a hearing, by notifying all the persons participating in the proceedings. Failure by these persons to appear does not prevent from determining the issue posed to the court.

Second, substantial law of Lithuania provides that change of essential circumstances in family law cases may form the ground to launch the new claim in the new proceeding for adoption of the reverse court judgement (decision) or adoption of the judgement (decision) that would amend the previous court judgement (decision).

3. Coercive measures to ensure enforcement

a. Measures available by law

b. Measures usually taken in practice

c. Taking of coercive measures when the child opposes enforcement

Bailiffs may use coercive measures to execute family law judgements. These measures are not described in detail and are left to bailiff's discretion. Bailiff should take into account the circumstances of the concrete situation. Nevertheless the guiding principles are that coercive measures should be rational, proportionate and may not do harm to child's rights, as well as main not be in breach of the general public order. As it was mentioned previously if a bailiff is hindered from executing enforceable instruments, the police is to eliminate the hindrance. At least the presence of the police officer is mandatory.

In practice force is used only in situations of transfer (return) of the child. In instances of enforcing contact/access rights it is used seldom. In the last instances they try to overcome the resistance together with psychologists and social workers.

Supporting coercive measures may be applied to ensure enforcement, such as imposition of procedural fines up to 1000 litas and setting up the time limit for the execution of the judgement (Art. 771 of CPC).

The Article 245 of the Criminal Code of the Republic of Lithuania stipulates that non-execution of the court judgement, not connected with the criminal punishment, is the criminal offence which may be punished by imposition of a fine, detention or obligation to exercise certain amount of public works. Abduction of child, abuse of rights of parent or custodian are also criminal offences according to the Articles 156 and 163 of the Criminal Code. The statistics² shows that Articles 156 and 163 of the Criminal Code are not applied in practice, but there were 74 criminal cases³ heard in courts for non-execution of the court judgements in 2005.

4. The impact of other legal or practical conditions relevant during the enforcement e.g. the hearing of the child

Hearing of the child is necessary by law in all cases when solving questions directly connected with his/her interests. It may be done directly in oral form, in written form or through the social worker or psychologist of the Municipal Children Rights' Protection Service. If this hearing reveals any information that shows enforcement to be against interests of the child, Municipal Children Rights' Protection Service must take measures to preserve interests of the child. *Inter alia* it may be application to the court in order to change or reverse the judgement or decision which is being enforced. Bailiff should report all the substantial information he/she receives from the child to the Municipal Children Rights' Protection Service.

PART 2. ENFORCEMENT IN CROSS-BORDER CASES

2A. Enforcement of return orders issued under the 1980 Hague Convention, and after 1 March 2005, Regulation 2201/2003 (Brussels 2A Regulation) – the update to Lithuania response to the Hague Conference's questionnaire

1. Legal Bases for the enforcement

² Data from courts' IT system, published on Internet (<http://www.teismai.lt/teismai/ataskaitos/statistika.asp>) by the National Administration of Courts.

³ Unfortunately, no data available on what proportion of this number was directly connected with non-execution of family law judgements.

1. Please give details of any specific legislative provisions which exist in your State concerning the enforcement of return orders. Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and short description of content.

Response to the Hague convention questionnaire: The Ministry of Justice of the Republic of Lithuania informs that there are no specific legal acts adopted with regard to enforcement of return orders under the 1980 Hague Convention on the Civil Aspects of International Child Abduction, except for the Law on ratification of Hague Convention on Civil Aspects of International Child Abduction dated 19 March 2002 and the ruling of 21 August 2002 adopted by the Government of the Republic of Lithuania on appointment of the Ministry of Social Security and Labour of the Republic of Lithuania as a Central Authority for the implementation of the functions provided in the above mentioned convention.

Update: By the 24 March 2006 Order No. A1-87 of the Minister of Social Security and Labour of the Republic of Lithuania functions of the Central Authority were delegated to the State Child Rights' Protection and Adoption Service under the Ministry of Social Security and Labour.

On 21 April 2005 the new Law on Implementation of the Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, was adopted. This new law outlines national procedures for implementation of the Brussels 2A Regulation:

- a. stipulates the jurisdiction of the national courts and the order of the national proceedings for getting the return order,
- b. stipulates that Member States' courts judgements on access rights and child return are enforceable as the national judgements and equates the certificate issued in accordance with the Articles 41 or 42 of the Brussels 2A Regulation to the execution writ issued by national court in accordance with national proceedings,
- c. stipulates the jurisdiction and the order of the national proceedings for the practical arrangements for the exercise of rights of access (Art. 48 of the Brussels 2A Regulation),
- d. nominates the Central Authorities. For the details on this law see response to question 2B 2 below.

No such special law exists for the implementation of the Hague convention at the moment.

2. Please give details of any general legislative provisions which exist in your State concerning the enforcement of court orders in the area of family law and govern the enforcement of return orders (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions). Please specify the title of the instrument, its legal nature (law, decree, administrative regulation or rules of court etc.) and the content of the relevant provisions.

Lithuanian response to the Hague convention questionnaire: According to Article 138 of the Constitution of the Republic of Lithuania, international treaties ratified by the Seimas of the Republic of Lithuania are the constituent part of the legal system of the Republic of Lithuania. Besides, Article 11 of the Law on International Treaties stipulates that an effective international treaty of the Republic of Lithuania must be enforced in the territory of the Republic of Lithuania.

As it was noted above, in fact there are no specific provisions that would regulate the enforcement of return orders. It is regulated by general legislative provisions of the Code of Civil Procedure of the Republic of Lithuania that stipulates the enforcement of court decisions.

Following Article 809 of the Code of Civil Procedure, foreign court decisions are recognised by the Court of Appeals of Lithuania and afterwards such decisions can be enforced. With regard to

that, foreign court decisions on a child's return to his parents or legal guardian and on guardian's rights are recognized by the Court of Appeals of Lithuania under the provisions of the Code of Civil Procedure.

With regard to enforcement process, following Article 650 of the Code of Civil Procedure, the enforcement order is presented to a bailiff that a creditor has chosen either by a creditor himself or his representative. Article 651 of the above mentioned Code foresees that a bailiff, after receiving an enforcement order, within three days or, in the event of expeditious execution, shall immediately verify whether there are any obvious obstacles to accept the enforcement order or to enforce it. If there are obstacles to accept the enforcement order, the bailiff issues a warrant under which the execution is refused and shall return the execution order to the person who served it, indicating the reasons for refusal. If there are no obstacles to accept the enforcement order, the bailiff shall accept it and shall begin to perform the enforcement activities.

With regard to the enforcement process of the return order Article 764 of the Code of Civil Procedure of the Republic of Lithuania establishes that while enforcing the court decision regarding return orders, a bailiff performs his enforcement activities in the presence of a person to whom the child is being returned and a representative of the public institution of the Child Rights' Protection. While performing the enforcement activities, the protection of the rights of the child must be guaranteed.

The enforcement costs are also regulated by the Instruction on Enforcement of Decision adopted by the order of the Minister of Justice of the Republic of Lithuania of 31 December 2002 No. 432. The order of the Minister is regarded as the legal act implementing the specific provisions of the Code of Civil Procedure.

It should be also noted, that Article 3.168 of the Civil Code of the Republic of Lithuania establishes the parents' right to demand the return of their children from any person who keeps them against the law or court decision. Following Article 3.272 of the Civil Code, a child's guardian (curator) has the right to demand in court the return of the child from any person who keeps the child unlawfully. This right is guaranteed both to the natural persons who are appointed by a court's decision as guardians or curators and to the Children care institution.

Update: The Minister of Justice of the Republic of Lithuania by the 27 October 2005 Order No. R-352 approved the new version of Enforcement Instruction. It does not vary a lot from its earlier version if speaking about the aspects that fall within subject matter of the study. At the moment working group under the Ministry of Justice drafts proposals to the provisions of the law that will regulate enforcement costs issues in more detail. It is possible that this constitute reform in this sphere.

See also update to question 1.1.

3. Please give details of any judicial decisions, practice directives or guides concerning the enforcement of court orders in the area of family law that govern the enforcement of return orders (either in the absence of specific provisions under question I.1 or in addition to any such specific provisions).

Response to the Hague convention questionnaire: In fact, there are no specific judicial decisions, or any other guides that would govern the enforcement of return orders under the 1980 Hague Convention.

Update: At the moment there are two cases pending in courts on return order and on access rights, but no decisions are adopted yet.

4. Do you have any other comments relating to the law governing enforcement of return orders, including any comments on the effectiveness of these rules?

Response to the Hague convention questionnaire: Taking into account that at present there is no practice in this field, no comments can be made on this issue.

Update: Two abovementioned cases unfolded that judges are not familiar with Brussels 2A Regulation as well as with national legislation on its implementation. For example, the case on the return order only after six months of hearing in district court was transferred to regional court, notwithstanding that the special law (see update to question 2A 1.1 and answer to question 2B 2) provides for jurisdiction of regional courts to hear such cases and sets-up the time limit of six weeks to adopt the decision.

To improve the situation they plan to do more judicial training on the subject matter of due implementation of procedural EU Regulations. Also they are drafting a special law in the working group under the Ministry of Justice on improvement of CPC. This draft law will be intended to codify all the existent legal provisions for the national civil procedure proceedings needed to implement procedural EU Regulations, Hague conventions and other international instruments that are binding to Lithuania and may need national procedural rules for their better implementation.

2. Procedure and practice with regard to return orders

A. The order to be enforced and the aims of enforcement

1. If an application for return of a child is successful, what is normally ordered:

- a) the surrender of the child to the applicant (if necessary, “for the purposes of returning the child to his/ her State of habitual residence”)
- b) the return of the child to State X
- c) other?

2. If such order has to be enforced, please specify which of the following is / are normally the aim of enforcing a return order:

- a) to remove the child from the abductor or any other person
- b) to hand the child over to the applicant or a person designated by him or her in the State where enforcement takes place
- c) to ensure the child’s return to his or her State of habitual residence
- d) other.

Response to the Hague convention questionnaire: According to the data received from the Ministry of Social Security and Labour courts have not heard any cases regarding the return of children according to the Hague Convention of 1980 on the Civil Aspects of International Child Abduction. Therefore it is not possible to answer the questions regarding these matters.

Update: The information is in principal up-to-date, one case on the return of the child is pending in court.

3. Whose responsibility is it to organise the repatriation of the child?

Response to the Hague convention questionnaire: The responsibility for the organization of the repatriation of the child should be established in the child’s return order.

Update: It is the responsibility of the bailiff executing particular return order and the State Child Rights’ Protection and Adoption Service under the Ministry of Social Security and Labour.

B. Actors involved in enforcement

1. Once a return order is made, is a specific request for enforcement necessary? If yes, which authority is responsible and which procedure applies?

2. Please specify who initiates enforcement of the court's return order:

- a) the applicant (in person or through his or her lawyer)**
- b) the Central Authority**
- c) the court**
- d) the enforcement organ itself**
- e) other.**

Where the law leaves choices or discretion, please give details concerning actual practice.

Response to the Hague convention questionnaire: Following Article 18 of the Code of Civil Procedure of the Republic of Lithuania all valid court decisions, rulings, orders or decisions are obligatory to governmental and municipal institutions, civil/public servants or officers, individuals and legal entities and must be executed throughout the territory of the Republic of Lithuania.

An enforcement order filed in accordance with the procedure established in the Code of Civil Procedure constitutes the enforcement grounds. No enforcement actions may be taken in the absence of an enforcement order (Article 586 of the Code of Civil Procedure).

A general provision foreseen in Article 588 of the Code of Civil Procedure states that court decisions, judgements, rulings, decisions and orders are executed only after they have come into force unless the court decides on their urgent execution.

If the enforcement of a procedural court decision is urgent, this should be marked in the enforcement order (Article 588 of the Code of Civil Procedure). In urgent cases the enforcement of court decisions or rulings (or any parts thereof) is commenced at once, prior to their coming into force. Appeals filed against decisions or rulings subject to urgent enforcement do not suspend the enforcement (Article 282 of the Code of Civil Procedure).

After a court decision on execution becomes effective, the court of the first instance, upon a written request filed by the applicant, issues to him an enforcement order. In urgent cases and pursuant to a written request filed by the applicant, an enforcement order may be issued to him by the court of the first instance that has passed the decision or a court of the appellate or cassational instance not later than on the next working day after the decision has been passed (Article 646 of the Code of Civil Procedure).

An enforcement order or a court enforcement order may be conveyed to the bailiff either by the applicant or by the applicant's representative. Other executory documents may be delivered for enforcement by their issuer or the issuer's officer as well as by the applicant (Article 650 of the Code of Civil Procedure).

The bailiff, who has received an enforcement order, shall verify within 3 days (and in urgent cases immediately) that there are no manifest hindrances to accept the document and to begin the enforcement (Article 651 of the Code of Civil Procedure).

Update: The certificate issued in accordance of the Brussels 2A Regulation is equated to the national enforcement order (execution writ) by the 21 April 2005 Law on Implementation of the Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000.

3. a) Please give details of the persons, organs and institutions (e.g. enforcement organs, court, parties, psychologists, social workers, Central Authorities, other) involved in the enforcement of return orders (please describe their respective roles and functions in enforcement, and whether their participation is mandatory. If this is not the case for some or all of the actors mentioned, please specify who decides about their respective participation

and to what extent they are normally involved in return cases (regularly or exceptionally and, in the latter case, depending on which conditions).

i) according to the law

Response to the Hague convention questionnaire: Following the Code of Civil Procedure of the Republic of Lithuania, decisions are enforced by bailiffs. Bailiffs' activities fall under the regulation of the Code of Civil Procedure, the Law on Bailiffs and Instruction on the Enforcement of Decisions.

Article 764 of Code of Civil Procedure stipulates that while enforcing the court decision regarding return orders, a bailiff performs his enforcement activities in the presence of a person to whom the child is being returned and a representative of the public institution of the Child Rights' Protection. Moreover, enforcement of such actions must guarantee the protection of the rights of the child. Moreover, for the purposes of enforcement of the court's decision on child's return, other persons may also be invited, for example, a psychologist or a social worker.

Update: In international child abduction cases the State Child Rights' Protection and Adoption Service under the Ministry of Social Security and Labour is "the public institution of the Child Rights' Protection" for the purposes of the Article 764 of CPC. It is responsible for taking care when help of psychologists and/or social workers is needed.

If needed the bailiff may call the police to eliminate the hindrance (Art. 585 of CPC).

ii) in practice.

Response to the Hague convention questionnaire: This information cannot be submitted, since the surrender of the child according to the court's decision and this Convention has not take place.

Update: The information is up-to-date.

b) In particular, are any social or psychological services available in order to prepare the child and / or the defendant for the return in order to de-escalate or even avoid enforcement by coercive measures?

Response to the Hague convention questionnaire: There are no special social or psychological services available to prepare the child and/or the defendant for the return in order to de-escalate or even avoid enforcement by coercive measures. However, in such cases the person has the opportunity to apply to psychological or social services which deal with the problems of children in general.

Update: The State Child Rights' Protection and Adoption Service under the Ministry of Social Security and Labour is responsible for the preparation of the child and/or the defendant for the return.

c) Please specify also whether the presence of the applicant (or a person designated by him or her) is required and, if this is the case, at which stage of the enforcement proceedings and for what purpose.

Response to the Hague convention questionnaire: As mentioned in sub item i, item a, point 3 of Article 764 of Code of Civil Procedure, the bailiff shall perform the acts of enforcement upon presence of the person to whom the child is surrendered.

Update: The information is up-to-date.

4. a) Is there any supervision / control of the enforcement procedure by a court, the Central Authority or any other State authority? If a court is supervising / controlling the enforcement procedure, which court is it? The court that made the order or other (e.g. a specific enforcement court)?

b) What if the court of first instance refused return, and the appellate court or court of appeals ordered return? Would the court of first instance, the appellate court or court of appeals which ordered return, or any other court be the court supervising / controlling enforcement in such a case?

Response to the Hague convention questionnaire: Article 27 of the Law on Bailiffs establishes that the lawfulness of the procedural steps of a bailiff shall be controlled by court in accordance with the procedure set out in the Code of Civil Procedure. In observance of Article 594 of Code of Civil Procedure, procedural acts of the bailiff shall be controlled by the judge of the district court in the territory assigned to the bailiff. Instructions of the judge to eliminate procedural violations shall be binding upon the bailiff and not subject to appeal, unless the Code of Civil Procedure establishes otherwise.

Organization of the bailiffs' work shall be controlled by the Ministry of Justice and the Bailiffs Chamber of Lithuania in the manner established by the Minister of Justice. Other authorities shall also be entitled to supervise the bailiffs' activities in the manner established by laws. Therefore, supervision of bailiffs' acts by courts depends upon the territory of the bailiff's activity, which corresponds to the territory of one or more district courts, rather than upon the court, which produces an order. Legal acts do not establish control of the Central Authority over the bailiffs' acts.

Update: The information is up-to-date.

C. The actual enforcement procedure

1. Is there a timeline for enforcement?

2. Is it normal to allow a period of time for voluntary compliance with a return order or to allow appropriate practical arrangements for the return of the child to be made?

Response to the Hague convention questionnaire: The bailiff shall start the enforcement: (i) in urgent cases not later than on the next day after the acceptance of an executory document, and (ii) in other cases not later than within 5 days of the acceptance of an executory document (Article 653 of the Code of Civil Procedure).

In the process of discharging his duties, the bailiff first of all must notify the debtor (the debtor is a person who must perform or refrain from the actions specified in the enforcement order) that an executory document has been filed for enforcement and the enforcement will begin if the debtor fails to perform all the pertinent actions within the period set by the bailiff. For the enforcement of decisions which require from the debtor to refrain from certain actions no deadlines are established and the debtor is urged to execute the decision immediately after the delivery to him of the notification unless it is otherwise provided for in the executory document (Article 659 of the Code of Civil Procedure).

If the debtor fails to execute the decision within the established period, not later than within 10 days after the deadline the bailiff shall start the enforcement (e.g., the debtor is obligated to perform or refrain from certain actions or any other statutory measures are applied) (Article 624 of the Code of Civil Procedure).

Update: The information is up-to-date.

3. Are any measures available in order to prevent the abductor from taking the child into hiding after the return order is made and before it can be enforced? In the affirmative, please give details.

Response to the Hague convention questionnaire: There is no possibility to impose coercive measures against the person without the legal basis for such measures. In the case of the return of the child the child's return order could be enforced only after the decision of the Court of Appeals of Lithuania to recognize the foreign court decision.

Update: The district court or the Court of Appeal of Lithuania (in the case return order must be officially recognized in Lithuania by the Court of Appeal before its enforcement) may apply as a provisional measure the exceptional prohibition for the defendant to leave the permanent residence (Art. 145-1-8 of CPC). If applied this prohibition is enforced by bailiff in cooperation with police authorities.

4. What happens if the child is taken into hiding after the order was made and before it can be enforced?

Which actors would be involved (e.g. Central Authority, police, public prosecutor, other) and which measures can they take to locate the child? What is the effect of the hiding on a possible timeline for enforcement?

Response to the Hague convention questionnaire: Article 620 of Code of Civil Procedure provides that in cases concerning surrender of the child when his whereabouts are unknown, the bailiff must announce the debtor's or the child's search via police. The Instruction on Enforcement of Orders (approved by Order No. 432 of the Minister of Justice of the Republic of Lithuania on December 31, 2002) stipulates that the search is announced by a decree of the bailiff who enforces the order. In addition to other mandatory documents, the decree shall also specify the child's last location (place of residence) known to the bailiff, as well as other circumstances that are important for determining the whereabouts of the child. The bailiff shall refer the decree on the announcement of search for the child or the person who has the child to the local police commissariat.

The Police Department under the Ministry of the Interior and its subordinate police authorities organize and conduct the location of persons, including children, whose whereabouts are not known, in the Republic of Lithuania.

While locating persons, police authorities act in accordance with the Instruction for Locating Persons approved by Order No. 9RN of the Minister of the Interior of the Republic of Lithuania of July 4, 2000. While locating persons, data contained in state registers and in state or municipal information systems, operational measures and methods, mass media and other possibilities can be used.

The Police Department under the Ministry of the Interior can announce an international search through Interpol. The Lithuanian National Branch of Interpol under the International Relations Service of the Lithuanian Criminal Police Bureau conducts searches of lost persons on an international scale.

The State Border Protection Service under the Ministry of the Interior controls persons and vehicles crossing the state border, participates in implementing the control of state migration processes and co-operates in the prevention of child abduction and wrongful removal from or into the country.

Update: The information is up-to-date.

5. When enforcement is initiated, what are the required steps (e.g. measures by the applicant, the court or any other supervisory authority, and the enforcement organs)?

Response to the Hague convention questionnaire: See answers to Questions 1 and 2, Item B, Part III and Question 1, Item C, Part III.

It should be also noted that court decisions of non-pecuniary nature are enforced in conformity with the general procedural rules laid down in Chapter LVII of the Code of Civil Procedure (Execution of Decisions of Non-Pecuniary Nature) (Article 763 of the Code of Civil Procedure) with all the established exceptions.

Article 771 of the Code of Civil Procedure regulates enforcement of decisions which obligates the debtor to perform or discontinue certain actions unrelated to transfer of property or other funds. In the case of failure by the debtor to abide by the decision under which he/she must perform or discontinue certain actions unrelated to transfer of property or other funds, the bailiff shall issue a written statement (act) in the form provided in the Instruction on the Enforcement of Decisions. When the decision provides for the measures to be applied against the debtor for non-execution of the decisions as set forth in Article 273 of the Code of Civil Procedure, the written statement (act) is transferred to the local court of the place of execution of the decision and the local court rules on the enforcement of the established measures against the debtor due to his/her failure to perform certain actions.

In the process of the enforcement, the applicant and the debtor have the right enter into a settlement agreement (Article 595 of the Code of Civil Procedure).

When both parties (the applicant and the debtor) in the enforcement process do not speak Lithuanian, upon their written request the bailiff may hire an interpreter to participate in the enforcement (Article 597 of the Code of Civil Procedure).

In the process of the enforcement, the applicant and the debtor may be represented by their attorneys, assistant attorneys or any other persons whose powers of attorney have been documented according to the procedure set forth in the Code of Civil Procedure (Article 599).

Update: The information is up-to-date.

6. Which coercive measures are available and under what conditions (e.g. pecuniary fines, physical force [against whom? the child? the defendant? others?], detention)? Which of these are normally used in practice?

7. a) Do they have to be ordered specifically (i.e. either “fine”, “physical force”, “detention”)? If so, when and by whom?

b) If problems occur during enforcement, may the enforcement organs unilaterally “upgrade” the intensity of coercive measures, or do they have to obtain authorisation from any particular higher authority (e.g. an enforcement court or other)? Please specify.

Response to the Hague convention questionnaire: According to the Article 771 of the Code of Civil Procedure in the case of the non-execution the court having the jurisdiction in the place of the execution can impose a fine up to 1.000 litas.

Update: See above answer to question 1B 3.

8. Please give details of any court orders which can be obtained in emergency situations. Can these orders be obtained after hours and ex parte?

Response to the Hague convention questionnaire: There is no possibility to obtain court decision prior to the recognition of the foreign court decision in the case of the request to return a child.

Update: See update to question 2A 2.C3 above.

D. Costs

1. Are costs incurred for the enforcement? If so, are they part of the costs of the court proceedings as a whole? How are they calculated? For which services are they charged?

Response to the Hague convention questionnaire: The costs that are incurred for the enforcement are the part of the court proceedings, since the enforcement of the decision is a constituent part of the civil process. Following Article 610 of the Code of Civil Procedure of the Republic of Lithuania, all the enforcement costs are covered by the creditor, except the cases when the enforcement costs are suspended. After the decision is enforced, these costs are recovered from the debtor. Following the Instruction on Enforcement of Decision adopted by the order of the Minister of Justice of the Republic of Lithuania of 31 December 2002 No. 432 all the enforcement costs are divided into three groups: administrative costs, factual costs and the salary to a bailiff for the enforcement of the enforcement order. The creditor has to pay the latter costs together with the VAT. The costs are paid only for the services performed by a bailiff that are listed in the above-mentioned Instruction. It should be also mentioned, that Article 764 of the Code of Civil Procedure of the Republic of Lithuania establishes that while enforcing the court decision regarding return orders, a bailiff performs his enforcement activities in the presence of a person to whom the child is being returned and a representative of the public institution of the Child Rights' Protection. While performing the enforcement activities, the protection of the rights of the child must be guaranteed.

Update: See update to question 2A 1.2.

2. Who has to pay the costs for enforcement? To whom? Is a reduction or exemption possible, e.g. under a Legal Aid Scheme? Under which conditions? In particular, is advance payment required in order for the enforcement organs to act? If legal aid was granted for the proceedings leading to the return order, would it cover the enforcement stage or would the application for legal aid have to be renewed?

Response to the Hague convention questionnaire: Following Article 610 of the Code of Civil procedure of the Republic of Lithuania, all the enforcement costs are covered by the creditor, except the cases when the enforcement costs are suspended. After the decision is enforced, these costs are recovered from the debtor. Following the provisions of the above-mentioned Instruction, the enforcement activities are started when the enforcement costs are paid to a bailiff, except the cases when a bailiff and the creditor agree on the suspension of the enforcement costs. In case the legal aid was granted to a person, while submitting the enforcement order to a bailiff, a creditor has to submit to a bailiff the documents proving that he/she is a recipient and then a bailiff adopts a special document with regard to exemption from the enforcement costs.

Update: The information is up-to-date. Also see answer to question 1A 1 above.

3. Are the costs of the actual repatriation of the child (e.g. airfare for child and possible accompanying person) considered as part of the enforcement costs? Who has to pay for the repatriation? Is advance payment a condition for enforcement?

Response to the Hague convention questionnaire: Repatriation of the child is considered as factual costs that a bailiff incurs during the process of the enforcement. This kind of enforcement costs is paid by the creditor; these costs are later recovered from the debtor. In fact, the advance payment is a condition for enforcement, except the applicant is exempted from these costs or these costs are suspended, following the above-mentioned Instruction. Moreover, the Instruction foresees the exemption from the enforcement costs, except the factual costs, if the natural person is recognised as welfare recipient. The Ministry of Justice of the Republic of Lithuania pays the enforcement costs for a recipient to a bailiff. In fact, according to the above-mentioned Instruction,

the enforcement activities are started when the enforcement costs are paid to a bailiff, except the cases when a bailiff and the creditor agree on the suspension of the enforcement costs.

Update: The information is up-to-date.

4. Please specify how foreign applicants are provided with information about enforcement costs to be borne by them.

Response to the Hague convention questionnaire: Following Article 646 of the Code of Civil Procedure of the Republic of Lithuania, when the decision becomes effective, the enforcement order is issued by the court to the creditor under his/her written application. According to Article 650 of the above-mentioned Code, the enforcement order is presented to a bailiff that a creditor has chosen either by a creditor himself or his representative. After the enforcement order is submitted to a bailiff, the creditor is informed about the enforcement costs following the provisions of the above-mentioned Instruction. The applicant can be informed about the enforcement costs using any means of communication.

Update: The information is up-to-date.

5. Please provide details regarding the enforcement organs' specific duties as they relate to the enforcement of Hague return orders concerning children.

Response to the Hague convention questionnaire: As it was mentioned above, following Article 764 of the Code of Civil Procedure of the Republic of Lithuania, while enforcing the court decision regarding return orders, a bailiff performs his enforcement activities in the presence of a person to whom the child is being returned and a representative of the public institution of the Child Rights' Protection. While performing the enforcement activities, the protection of the rights of the child must be guaranteed.

Update: The information is up-to-date.

6. Do you have any other comments relating to the enforcement procedure?

Response to the Hague convention questionnaire: Taking into account that there is no practice in this field, no comments can be made regarding this issue.

Update: -

3. Enforceability and legal remedies of return orders

1. a) Is a return order subject to appeal or other forms of challenge? Please give details (number and character of legal remedies, possible time-limit for them, possible time-limit for appellate court or court of appeals to decide etc.).

b) Please specify whether any such challenge may only be made once, and which court or body has jurisdiction to hear the appeal.

Response to the Hague convention questionnaire: The decision of the Court of Appeals of Lithuania on recognition can be appealed to the Supreme Court of Lithuania.

Update: Foreign return orders may not be appealed on the merits in Lithuanian courts. The application to reject their recognition in the Republic of Lithuania may be submitted to the Court of Appeal of Lithuania. But the grounds of non-recognition are more of procedural nature (similar to the grounds set-up in Brussels I regulation), not the merits (Art. 810 of CPC).

Return orders issued by the national courts (regional courts) may be appealed by means of separate appeal to the Court of Appeal of Lithuania (see answer to question 1B 2). The decision of the Court of Appeal is not subject to appeal (21 April 2005 the law on Implementation of the Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000).

2. a) Please give details of any authorisation or other decision required for the actual enforcement of the Hague return order (e.g. registration for enforcement, declaration of enforceability, order of a specific enforcement measure or other).

b) Which is the competent organ for these decisions?

Response to the Hague convention questionnaire: The Court of Appeals of Lithuania after the recognition of the foreign court decision issues the enforcement order, which could be produced to the bailiffs in order to enforce it.

Update: The information on the Hague convention is up-to-date.

More details on recognition of foreign courts judgements and decisions in Lithuania are available in English on internet: <http://www.vtr.lt/eng.php?cid=267> (the official site of the Court of Appeal of Lithuania).

The return order issued by the court of the EU Member state is enforceable without any declaration of enforceability. The certificate issued in accordance of the Brussels 2A Regulation is equated to the writ of execution issued by the national court.

3. Does the Hague return order have to be final and no longer subject to ordinary appeal before any authorisation for enforcement or other measure specified under II.2 may be ordered?

Response to the Hague convention questionnaire: The decision on which the Hague return order is based has to be effective and enforceable before the authorisation of the Court of Appeals of Lithuania can be brought.

Update: The information is up-to-date.

4. a) Are any of the decisions specified under II.2.a) (authorisation to enforce or other decision) subject to appeal independent of any appeal against the merits of the return order? Please give details (number and character of legal remedies, possible timelimit to lodge them, possible time-limit for appellate court or court of appeals to decide etc.).

b) Please specify whether any such challenge may only be made once, whether it suspends the enforceability / enforcement of the order and which is the court or body to decide the appeal.

Response to the Hague convention questionnaire: In case the appeal against the merits of the return order is lodged the procedure in the Court of Appeals of Lithuania may be suspended until the decision on the appeal is reached.

Update: The decision of the Court of Appeal of Lithuania on recognition of the foreign return order can be appealed by the cassation complaint to the Supreme Court of Lithuania in one month after its adoption. The cassation complaint does not automatically suspend the enforceability. Nevertheless the enforcement may be suspended by the decision of the Supreme Court.

5. If in your State both types of legal remedy as specified under II.1 and II.4 (i.e. against the order on the merits and against any decision taken at or required for the

enforcement stage) exist, can they be lodged simultaneously? Is it the same court that deals with them if they are lodged (a) simultaneously, and (b) at different times?

Response to the Hague convention questionnaire: -

Update: As it was mentioned in update to question 2A 3.1 it is not possible to appeal foreign return orders on the merits in courts of Lithuania.

6. Do you have any other comments relating to legal remedies and the enforcement of return orders?

Response to the Hague convention questionnaire: Taking into account that there is no practice in this field, no comments can be made regarding this issue.

Update: -

2B. Law and practice with regard to enforcement of family law judgments other than return orders

1. Instruments and national legislation relevant for the enforcement of family judgments incross-border cases

Lithuania is a party to the following international conventions relevant of the enforcement of family law judgements:

- United Nations Convention of 1989 on the Rights of the Child;
- Hague Convention of 1961 Concerning the Powers of Authorities and the Law Applicable in Respect of the Protection of Minors;
- Hague Convention of 1980 on the Civil Aspects of International Child Abduction
- Hague Convention of 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement, and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children.

Lithuania is also a party to number of bilateral treaties on legal cooperation in family matters with the Russian Federation, the Republic of Armenia, the Republic of Azerbaijan, the Republic of Kazakhstan, the Republic of Ukraine, the Republic of Moldova and the Republic of Belarus.

Lithuania has a monistic system of law, which means that no separate legal instruments are needed to implement international legal instruments of direct applicability.

It emerged recently that in certain instances detailed national procedural rules may be helpful in better implementation of directly enforceable international legal instruments. In order to create such rules and to codify all the existent provisions for the national civil procedure proceedings needed to implement procedural EU Regulations, Hague conventions and other international instruments that are binding to Lithuania, the working group under the Ministry of Justice drafts the proposal on the special law.

2. National law relevant for cross-border enforcement of family law judgments under Brussels 2A

The 21 April 2005 Law on Implementation of the Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000 sets-up national procedures for implementation of the Brussels 2A Regulation.

The Article 2 of the law stipulates that cases on return of the child are solved in summary proceedings (XXXIX ch. of CPC) keeping to time-limits set-up in the Article 11 of the Brussels 2A Regulation. These cases are heard by regional courts. All interested parties should be informed about the hearing and the Central Authority must present its opinion on the subject matter of the case. The regional court decision may be appealed by the separate appeal to the Court of Appeal of Lithuania. No cassation is possible.

The Article 3 of the law stipulates that Member States' courts judgements on access rights and child return are enforceable as the national judgements. It also equates the certificate issued in accordance with Articles 41 or 42 of the Brussels 2A Regulation to the execution writ issued by the national court in accordance with national proceedings.

In the Article 3 of the law it is stipulated that practical arrangements for the exercise of rights of access (Art. 48 of the Brussels 2A Regulation) are decided upon by district courts on request of the bailiff. These questions are solved in summary proceedings set-up in the Article 593 of CPC. It is stressed that the child capable to present his/ her opinion must be heard by the court and that the opinion of the Municipal Children Rights' Protection Service must be presented. The decision of the district court may be appealed by the separate appeal to the regional court. No cassation is possible.

In the Article 5 of the law Central Authorities are nominated. The Ministry of Justice is responsible for the communication of courts and information on national procedures, and the Ministry of Social Security and Labour – for all other functions of the Central Authority.

3. National practice with regard to the enforcement of family law decision of your own courts in another member state

There is no practice at the moment as no such cases were solved yet.

4. National practice with regard to the enforcement of family law decisions of another member state in your own member state

There is no practice at the moment as no such cases were solved yet.

5. Setting aside or amending of foreign judgments

No legal provisions and practice at the moment.

2C. Specific issues relating to the cross-border enforcement of family law judgments

1. The role of organs and institutions

See answer to question 1B 1 above.

2. Time limits relevant for enforcement proceedings and the effect of time

See answer to question 1B 2 above. The only particularity is that the time limit for the appeal is extended from 30 days to 40 days when the appellant resides abroad. No extension is applicable to time-limits to submit separate appeals and cassation complaints.

3. Coercive measures to ensure enforcement

See answer to question 1B 3 above.

4. Other legal or practical conditions that may form obstacles to enforcement

See answer to question 1B 4 above.

5. Issues of specific concern in cross-border cases

Rights granted under national family law judgments are taken by national institutions as absolute (e.g. the right may be exercised world-wide). Foreign judgments must be recognized in the Republic of Lithuania, with exceptions set up by EU Regulations and bilateral treaties.

For the order of bringing under-aged children abroad (from Lithuania) see answer to question 1B 1 above.

6. Mediation/Alternative dispute resolution

Courts, bailiffs and institutions for Children Rights' Protection in practice try to take measures to solve all family disputes amicably by consent of all parties concerned. Mediation is not institutionalized yet.

If the family dispute resolves amicably, it is possible to conclude a written settlement agreement which becomes binding to its parties. If the agreement is approved by court decision, it becomes *res judicata* (Art. 6.985 of the Civil Code). It is possible to apply to court for such approval at any stage of civil procedure or enforcement, as well as to apply for such approval of settlement agreement concluded out of legal proceedings.

II. EMPIRICAL STUDY

A. AVAILABLE STATISTICS

A.1. Statistics from bailiffs' IT system, presented by the Chamber of Bailiffs of Lithuania (not published)

Enforcement of judgements on custody/ return of the child		
	Submitted for execution	Executed
2003	3	2
2004	3	3

Enforcement of judgements on contact/ access rights		
	Submitted for execution	Executed
2003	24	3
2004	11	0

No available data on reasons for non-enforcement, difficulties, length of procedure. Mediation is not institutionalized yet in Lithuania.

A.2. Statistics from courts' IT system, published on Internet (<http://www.teismai.lt/teismai/ataskaitos/statistika.asp>) by the National Administration of Courts

2003

Family law cases (including all pecuniary and non-pecuniary disputes, i.e. maintenance, divorce, separation, apportionment of family property, family law cases as described for the purpose of the study) – 11 845

Maintenance of children cases – 3044

Paternity cases – 522

Cases on limitation of parents' rights – 1142
Divorce cases – 6125
Other cases – 1012

2004

Family law cases (including all pecuniary and non-pecuniary disputes, i.e. maintenance, divorce, separation, apportionment of family property, family law cases as described for the purpose of the study) – 17 486

Maintenance of children cases – 3896
Paternity cases – 3630
Cases on limitation of parents' rights – 1277
Divorce cases – 6890
Other cases – 1793

2005

Custody of the child cases – 2485
Parents contact/ access rights cases – 298
Close relatives contact/ access rights cases – 21

A.3. Statistics provided by the State Child Rights' Protection and Adoption Service under the Ministry of Social Security and Labour (not published)

Number of family law cases in cross-border situations

No data available for the period 2003-2004

Period 2005-2006

a. Court cases

One ongoing (not finished yet) case on return of the child from abroad

One ongoing (not finished yet) case on contact/ access rights when child is brought abroad

b. Pretrial (administrative) procedures

One ongoing (not finished yet) procedure on return of the child to Germany