

Ilia's Legal  
House (Iliasi)



# A PEOPLE-CENTERED APPROACH TO DIVORCE AND EXTRAMARITAL BIRTH LITIGATION

## EXECUTIVE SUMMARY



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USAID სავარსებოების უზენაესობის პროგრამა  
USAID RULE OF LAW PROGRAM

**Principal Researcher: Elene Sichinava**

**Researchers: Maka Nutsubidze, Ketu Chutlashvili**

**Designer: Elene Gabrichidze**

**Translated by Versio Translation Agency**

**Tbilisi, 2023**

The research was prepared by Iliia's Legal House (Iliasi) with the support of the USAID Rule of Law Program funded by the United States Agency for International Development (USAID) through the East-West Management Institute (EWMI).

The views expressed in this research are the sole responsibility of the author and do not necessarily reflect the views of USAID and EWMI.





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APPROACH TO DIVORCE  
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## KEY FINDINGS:

Conducting a biological examination (DNA testing) to establish the paternity of a child is a heavy financial burden for a woman; cases have been identified where a woman refrained from filing a lawsuit to establish paternity because she couldn't cover those expenses;

Women do not have sufficient information about the legal ways and consequences of establishing the paternity of a child born out of wedlock;

In numerous cases a woman is forced to refuse to establish the paternity of her child, which is a component of the child's right to privacy and a defining aspect of her identity, in order not to lose the guarantees of social and legal protection provided for a single parent;

The status of a single parent is determined not by the actual participation of the second parent in raising and supporting the child but by the presence of the father's name and surname on the child's birth certificate;

There is no uniform practice for a judge in alimony cases to request, on their own initiative, information on the parties' incomes from the LEPL Revenue Service of the Ministry of Finance of Georgia;

The procedure for determining the alimony is not explicit, while all the countries studied use a mechanism for calculating alimony that takes into account various indicators;

When considering the alimony case, the court does not examine the individual needs of the child and does not take them into account when establishing the amount of alimony; The official financial status of the defendant is the determining factor for the court in making its decision.

When determining the amount of alimony in order to identify actual employment opportunities and working time resources of the parties, the court does not adequately examine how the daily childcare responsibilities are divided between the parents and how much time one spends on performing those responsibilities;

In cases of alimony payment, a problem arises in proving the income of a man - a person liable to alimony payments when he is an informal employee: the defendant is not registered as a payer by the LEPL Revenue Service and receives his salary in cash; or, as a result of negotiations with the employer, the salary is fictitiously paid to another trusted person, in order to avoid paying alimony in this way. When the plaintiff points out the mentioned circumstances, the court does not investigate them properly and relies only on the defendant's sources of official income in determining the amount of alimony;

The Georgian legislation grants the judge a special authority to consider family disputes, which is as follows: "The court may, on its own initiative, determine the range of circumstances to be established and, after the explanation of the parties, request the evidence that the parties have not indicated;" The judge does not use this authority proactively enough;

Guardianship and custodianship authority is not adequately involved in cases of alimony payments; In considering this category of disputes, the social worker does not provide the court with an opinion: a) on the individual needs of the child, to which the parents' financial resources should be directed; b) on the level of welfare of both parents, their incomes and employment opportunities (living conditions, ability to work, level of education, work experience, time devoted daily to caring for the child); A critical problem in consideration of alimony payment cases is that the State guardianship and custodianship authority (LEPL Agency For State Care and Assistance for the (Statutory) Victims of Human Trafficking) is not involved as a

Guardianship and Trusteeship body; At the same time, the human and financial resources of this Agency are insufficient for the effective fulfillment of the function assigned to it by law.

The social worker of the guardianship and custodianship authority collects information on the employment, income, and living conditions of the parties based on interviews with the parties, documents provided by them, and on-site visits. In court practice, a case may arise where the parties' explanations about the defendant's income are contradictory, and the judge reasonably suspects that the defendant is concealing the source of his income. Verifying this information requires additional research methods and resources beyond the social worker's mandate. In such case, the court should have the opportunity to engage a social agent to whom it will direct to inquire into the matter;

The amount of alimony established by the court decisions considered is so small that it cannot meet "child's needs for normal maintenance and upbringing";<sup>1</sup>

The food basket norms necessary for determining the subsistence minimum of a child have not been established, based on which the LEPL National Statistics Office of Georgia will be able to regularly calculate and publish the subsistence minimum rate per child; Accordingly, it is not possible for the court to determine, in all cases, the amount of alimony in a manner that exceeds the established rate;

The existing level of awareness of the population about the use of legal ways of imposing alimony for the maintenance of the child is insufficient;

The system of enforcement of court decisions on alimony cases does not meet the efficiency requirement; Enforcement is highly problematic if the defendant does not voluntarily fulfill the alimony obligation. In case of failure to enforce the judgment, the mechanism of appeal and compensation is also ineffective;

In enforcing a court decision in the alimony case, the executor covers only the then-existing alimony debt with the amount received from the sale of the obligor's property, not the amount of alimony to be paid in the future. Accordingly, the rest of the amount recovered is returned to the obligor. In the event that the person liable to alimony payments does not voluntarily pay the alimony from the next calendar month, the executor is forced to reopen the enforcement proceedings, although, as a rule, the obligor has already used the returned amount and the executor has no other mechanism to ensure payments;

When the person liable to alimony payments fully repays the current debt, the executor is obliged to exclude him from the Debtor's Register and, accordingly, release him from all legal restrictions. In such a case, as a rule, obligors get rid of their real and movable property and intangible assets and cease to pay alimony; due to the fact that no more property is registered in the name of the obligor, alimony cannot be seized as a result of repeated enforcement actions;

Forced payment of enforcement is not possible if the person liable to alimony payments has traveled abroad; Georgia has not recognized as binding the Hague Convention of November 23, 2007, on "International Payments of Child Support and Other Forms of Family Maintenance" and the Protocol of November 23, 2007 on "Law Applicable to Maintenance Obligations";

If the person liable to alimony payments is entered in the Debtor's Register, he cannot dispose of or encumber immovable and movable property and intangible assets. These are necessary but insufficient legal restrictions; a description of the experience of Western countries shows that coercive measures for the enforcement of the decision on alimony include a range of actions not provided for by Georgian legislation, for example, refusal/suspension of issuing a license for professional activity, refusal to issue a driver's license or suspension of the right to operate a vehicle, etc.

In Georgia, the state has no obligation to maintain a child without child support. A study of the experience of Western countries shows that in case of non-payment of alimony by the person liable to alimony payments, the state fulfills the obligation to maintain the child, after which the state itself becomes a creditor and at the same time ensures the enforced recovery of alimony in favor of the state. For this purpose, the appropriate agency responsible for providing social benefits to children is determined;

In Georgia, obligor parents do not benefit from public support services. The Law of Georgia „on Employment Promotion“ has been adopted, and the Government of Georgia has approved the state program of promotion of employment, but the state's priority is not to promote the employment of the person liable to alimony payments who are capable of working in order to protect the best interests of the person receiving child support;

The mechanism of criminal liability in cases of alimony payment is ineffective and illusory due to the use of an excessively narrow definition of the composition of this crime in practice: cases where the informal employee conceals income or the person liable to alimony payments unreasonably refuses employment opportunities available to them remain outside the scope of the investigation.

The Criminal Code of Georgia establishes that non-compliance with a court decision entails imprisonment. Contrary to the above, systematic evasion of alimony payments, which also constitutes non-compliance with a court decision, is punishable only by a fine, community service or disciplinary work.

The parties are not sufficiently informed about the mechanisms of enforcement of court decisions in the case of alimony payments;



Conducting a legal dispute over property division between former spouses is a heavy financial burden for a woman. When a woman demands the division of property in court, she must pay a duty proportional to the subject matter of the dispute. In many cases, a single woman who was previously engaged in household and family care and was supported by her spouse is unable to pay the property duty along with several other court costs; therefore her claim remains without consideration.

The Georgian legislation provides for the possibility of deviating from the principle of equality of spouses' shares when dividing property between former spouses, when the interests of minor children or the significant interests of one of the spouses require it, in particular, the share of one of the spouses can be increased considering that minor children live with him/her. In the examined cases, based on the above provision, the judge does not show a sensitive attitude towards this issue and uses a rigid approach in the division of property;

Georgian legislation recognizes the fundamental principle of the right of joint ownership of the property acquired during marriage by spouses, but does not create legal grounds for its disposal. The law provides one of the spouses with a full opportunity to freely register property acquired in marriage in his/her own name (in Georgia, real estate is mostly registered in the name of a man). It is a well-established practice that a spouse registered as the owner deliberately alienates real estate before the dissolution of the marriage or during the divorce proceedings to avoid its distribution under the law in favor of the former spouse. The latter, due to the ineffectiveness of the legal means at his/her disposal, in many cases, remains without his/her share;

Due to vulnerability to socio-economic pressures, the systemic problem of protracted litigation is a particularly susceptible issue for plaintiffs in this category of disputes. Despite the strict legislative requirements to resolve an alimony case in a particularly speedy and urgent manner, family disputes are considered with complete disregard for procedural time limits;

The use of international human rights standards in justifying decisions on family disputes has a formal character and does not affect the assessment of the circumstances of the case or the resolution of legal issues;

In divorce cases with episodes of violence, judges do not take into account the risks of violence and do not discuss with the victim the possibility of using extraordinary measures to protect their physical and psycho-emotional safety while participating in the court process related to the family dispute;

The legal basis for the provision of free legal aid is vague and does not comply with the European standard of Human Rights, according to which the determining factor is the extent to which a person can, based on individual capabilities, independently and effectively protect their interests in court;

Society does not have sufficient information on the possibility of using free legal assistance in family disputes;

Due to several factors, institution of mediation is essential to resolve family disputes, depending on their specific nature. Mediation centers operate only in a small part of courts. For this reason, mediation in family disputes is not available to the population in most municipalities.

# RECOMMENDATIONS

## To the Parliament of Georgia and the Government of Georgia:

Article 47 of the Civil Procedure Code – “Exemption from court costs by a court” - should be supplemented with a new part, which will provide a single parent with the following benefit: If the establishment of paternity is required in the interests of the child and the party is unable to pay the costs of the biological examination (DNA testing), the court shall, based on a petition and the presentation of relevant evidence, exempt them from paying those costs and order a biological examination (DNA testing) at the expense of the state. In this regard, the judge shall issue a substantiated decision. In addition, the plaintiff should be explained the general rule for reimbursement of costs incurred in connection with the case after consideration;

In relation to the expansion of the status of single parents, the CEDAW recommendation for Georgia and the experience of Western countries should be taken into account, according to which the status of a single parent is determined not by the presence of the father's name and surname in the child's birth certificate, but by the fact of his actual participation in upbringing and maintenance of the child. For this purpose, an amendment should be made to Article 11911 of the Civil Code of Georgia - the status of a single parent (or a status equal to a single parent) should be granted to a parent even if the National Bureau recognizes the decision in his/her favor on awarding alimony as unenforceable (the obligor has never fulfilled the alimony obligation and the amount cannot be recovered) due to the obligor's insolvency or because his/her exact location is unknown. In cases where, according to the data of the National Bureau of Enforcement, the person liable to alimony payments fulfills his alimony obligations in some calendar months and in some months does not, the law must determine the minimum percentage share of the amount of alimony and the judgment shall not be considered unenforceable if the said amount is paid in a calendar month;

Once the issues of obtaining/submitting to the court all the information (including the subsistence minimum for the child, the income of the informally employed parent, the parent's level of well-being, their employment opportunities, the time allotted for child care, the child's individual needs, etc) necessary for determining the amount of alimony in the alimony case are appropriately regulated at the legislative level and in practice, the next stage of the reform should be the creation of a mechanism for calculating the amount of alimony based on the best practices of foreign countries (determination of the percentage rate of income, unique formulas, tables, etc.). It means identifying the criteria for determining alimony, developing a unique formula, and creating an electronic calculation system. The use of this mechanism will enable the judge to reasonably determine the amount of alimony and establish a uniform practice;

Proportionate to the volume and workload of the work to be performed, to determine the appropriate number of social workers to be involved in the consideration of the alimony case. In order for the State guardianship and custodianship authority to ensure the involvement of its employees in the process of implementing justice in this category of disputes, it is necessary to strengthen the human, administrative and financial resources of this authority;

Article 1128 of the Civil Code of Georgia should be amended, according to which the social agent of the relevant responsible authority should be involved in the case on payment of alimony, if necessary (when the judge has reasonable doubts about the incompleteness of the information provided by the defendant on his/her own income), in order to find out the actual financial situation of the parents;

Determine the body whose mandate includes, on the basis of a court order, the determination of the real financial situation of the parent in the case of alimony payments, to give this body the organizational authority and resources necessary to perform this function, to determine the required number of staff units of social agents, the standard and methodology for assessing the financial situation of parents. In order to implement this recommendation, the experience of Western countries in creating a "Child Support Service" as a special agency may be considered, or such a service may be formed as a structural unit of a Social Service Agency or other related body;

■ Determine the food basket norms necessary for defining the subsistence minimum for a child, on the basis of which the LEPL National Statistics Office will be able to calculate and publish the subsistence minimum rate per child at fixed intervals. This will enable the general courts to determine the amount of alimony in such a way that it exceeds the established rate;

■ Article 821 of the Law of Georgia, "On Enforcement Proceedings," which defines a special rule for the distribution of the proceeds of the sale of the obligor's property in the case of alimony payments, should be amended. In particular, the payment in the amount and within the period prescribed by law (e.g., the amount of alimony to be paid over the next three years) must be deposited in the deposit account of the National Bureau of Enforcement for use in the future in case of non-fulfillment of the alimony obligation by the obligor. Since the interest of the child's maintenance is at stake, such a resolution of the issue would serve the purpose of protecting the best interests of the child;

■ Article 194 of the Law of Georgia on Enforcement Proceedings should be amended to define a special rule for the exclusion of a person from the Debtor's Register concerning alimony payments: In each case where there is a previous history of using enforcement mechanisms, the risks of future evasion by the obligor from the fulfillment of alimony obligation should be assessed using a specially developed assessment methodology/tool, and one of the following decisions should be made taking into account the said risks: a) exclusion of the obligor from the Debtor's Register; b) exclusion from the Debtor's Register based on obligor's prior deposit of the amount to cover a future maintenance obligation for the period in question on deposit of the enforcement office; c) removal of part of the regimes of legal restrictions in respect of a person included in the Debtors' Register; d) continuation of registration in the Debtors' Register;

■ Establish an electronic system for assessing the risks of evasion of alimony obligations by obligors against whom there is a history of using coercive enforcement mechanisms. The electronic system should be based on the assessment methodology and criteria prepared with the involvement of the National Bureau of Enforcement. Executive officers should be trained in the use of this system;

■ In order to harmonize Georgian legislation with European law, ensure international payment of alimony from persons responsible for children residing in Georgia, to implement prompt and effective justice in international family maintenance disputes, to ensure timely and binding recognition of the Hague Convention of November 23, 2007, on "International Payments of Child Support and Other Forms of Family Maintenance" and the Protocol of November 23, 2007 on "Law Applicable to Maintenance Obligations";

■ In order to increase the effectiveness of the enforcement system, amend the Law of Georgia on Enforcement Proceedings, that will expand the types of legal restrictions of the obligor based on the best practices of Western countries;

■ In each calendar month, when the person liable to alimony payments fails to pay alimony, the state shall assume the child support obligation and assign a child support allowance. At the same time, the National Bureau of Enforcement shall carry out coercive measures of enforcement and the costs incurred by the state shall be covered by the amount recovered from the obligor, if any;

■ The state's obligation to support a child in the event that the other parent does not fulfill the alimony obligation, should be extended as well to the single parent and the child should be identified as the beneficiary of the alimony allowance;

■ Establish the amount of child support allowance and determine the body responsible for its administration. In order to implement this recommendation, the experience of Western countries in creating a "Child Support Service" as a special agency may be considered, or such a service may be formed as a structural unit of a State guardianship and custodianship authority or other related authority;

■ Create an electronic information exchange platform between the National Bureau of Enforcement and the agency responsible for issuing alimony allowance, through which the said agency will receive an automatic notification about the occurrence of arrears in the alimony case;

■ The Criminal Procedure Code of Georgia should be amended, according to which, during the investigation - by the prosecutor, and by the court during the trial of the case, on the basis of the motion of the party, criminal prosecution initiated on the basis of Article 176 of the Criminal Code of Georgia (obstinate evasion of alimony payments) may be suspended for a specified reasonable period of time, during which the accused will be employed and/or begin fulfilling alimony obligations;

■ The Criminal Code of Georgia should be amended to determine an adequate and proportionate punishment for the crime (obstinate evasion of alimony payments) provided for in Article 176 of the same Code;

■ A new paragraph should be added to Article 48 of the Civil Procedure Code - "Deferment of payment of court costs and their reduction," according to which, in the case of property division as a result of divorce, the court can entirely or partially exempt one or both parties from paying the state duty if he cannot pay it, which is proved by proper evidence; In the event that there is no reason for exemption from the state duty, the payment of the state duty to the plaintiff will be postponed until the end of the consideration of the case. This rule applies to the defendant as well if he initiates a counterclaim in such a case;

■ In order to ensure that the right of joint ownership of real estate acquired during marriage by spouses recognized by the Civil Code of Georgia is not formal and illusory, the following legislative amendments should be made to Article 1160 of the Civil Code of Georgia: The property acquired by the spouses during the marriage is registered by the LEPL National Agency of Public Registry as joint property, unless: a) the marriage contract establishes otherwise; b) the property is the individual property<sup>2</sup> of the spouses; c) the second spouse expressed consent to be registered as an individual property of one of the spouses by the law; the law should determine the appeal mechanism and limitation period in case of violation of this rule.

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<sup>2</sup> Property inherited or received as a gift during the marriage.

Article 5 of the Law of Georgia on Legal Aid, which establishes the conditions for the provision of legal aid, should be amended and as a basis for representing an insolvent person in court in civil and administrative cases, taking into account other factors, his/her ability to effectively defend his/her interests in court without a representative should be determined;

## To the Supreme Council of Justice of Georgia and the General Courts of Georgia:

The Civil Procedure Legislation of Georgia establishes the peculiarities of consideration of family cases.<sup>3</sup> One of the specifics of this category of disputes is the determination of the circumstances of the case at the initiative of the court: "A court may, on its own initiative, determine the scope of the circumstance that are to be established, and after examining the parties, request (from the appropriate persons ) evidence that has not been indicated by the parties."<sup>4</sup> Based on this principle, it is appropriate for the court, on its own initiative, to request a report on the parties' incomes from the State Income Tax Service and give it to the parties during the preparatory session, as this is one of the key pieces of evidence on which the decision should be based. The mentioned measure must be taken by the court, regardless of the existence of the petition of the party;

In the alimony payments case, the judge, based on Article 1128 of the Civil Code, should involve the guardianship and custodianship authority in order to a) determine the individual needs of the child and b) clarify the income and employment issues of both parents;

Establish a uniform practice, according to which, when making a decision on an alimony case, the individual needs of the child, the actual financial situation of both parents, working capacity and employment opportunities, the duration of time allocated for the performance of child care responsibilities and relationships with the child, and working time resources should be taken into account;

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<sup>3</sup> Civil Procedure Code of Georgia, Chapter XLIII.

<sup>4</sup> Civil Procedure Code of Georgia, Article 354.



■ Courts should proactively use the special powers given to judges for consideration of family disputes under Article 354 of the Civil Procedure Code of Georgia, which implies that: "A court may, on its own initiative, determine the scope of the circumstance that are to be established, and after examining the parties, request (from the appropriate persons) evidence that has not been indicated by the parties";

■ When declaring a court decision in a case on the imposition of alimony, the court should explain to both parties about the availability of the court decision enforcement system and the possibility of using coercive enforcement mechanisms;

■ Based on part 2 of Article 168 of the Civil Procedure Code, consider carefully and in every way the possibility of deviating from the principle of equality of spouses' shares in all cases when the interests of minor children or the significant interests of one of the spouses require it; to substantiate the court's decision regarding the said request;

■ Ensure that consideration of alimony payments and other family law disputes is conducted within the timeframes established by the civil procedure legislation of Georgia;

■ Develop and implement an effective policy in order to ensure consideration of cases by the general courts of Georgia within a reasonable period; identify, analyze and eliminate all causes of the systemic problem of procrastination, at the same time to increase the number of judges, to define and implement the rules for equal and reasonable distribution and effective management of the flow of cases, to introduce an adequate mechanism for monitoring and evaluating the duration of proceedings. The public should be provided with updated information about the average duration of proceedings for each category of case and the implemented/ ongoing measures to improve it;

■ Family cases should be considered only by those judges who have passed the qualification exam in civil law or general specialization;

Each judge in charge of family disputes upon appointment to the relevant specialized composition, should undergo a mandatory training course, which includes the teaching of international and European Human Rights Law standards, including the case-law of the European Court of Human Rights, the decisions of the CEDAW Committee and the CRC Committee, and general recommendations addressing this category of disputes;

The latest decisions of the ECtHR, the CEDAW Committee, and the CRC Committee, which refer to the category of family disputes, should be provided to the relevant judges at the prescribed frequency, found by topic, and translated into Georgian;

Judges in charge of family disputes should have informational meetings at regular intervals, where they will hear information about the latest developments in international and European human rights law in the field of protection of children's and women's rights, which are relevant for reviewing family disputes;

Round table meetings should be held at regular intervals, where family dispute judges of all three instances, in order to introduce the best judicial approaches and achieve consistency of judicial practice, outline the issues, discuss and determine the next steps;

Proactively support judges to participate in important events held in Georgia or abroad on the issues of People-centered and women's and children's rights-sensitive justice implementation;

The Organic Law of Georgia „on Common Courts“ provides for the existence of a structural unit focused on the research of human rights law, including the case law of the European Court of Human Rights, in the structure of the Court of Appeal and Supreme Court, whose primary function is to facilitate access to the case law of the European Court of Human Rights for judges. The aforementioned structural units should effectively provide research-analytical support to the family dispute judges of the respective courts in international legal issues of human rights protection;

Research and analytical support in the issues of international legal standards of human rights protection should be available to each judge of the family cases of the city (district) courts of Georgia. This is possible by introducing an appropriate staff unit (or structural unit) in these courts or by providing the possibility of applying to the already existing research-analytical structural unit in the appellate and supreme courts;

Ensure that women with experience of domestic violence carry out legal proceedings in family law disputes with strict adherence to procedural deadlines; Also, the consideration of these disputes should be prioritized;

In all family law disputes, the judge should find out the fact of the possible existence of a previous history of violence; In such a case, the judge should properly assess the risks of its renewal and continuation and to take them into account when considering the disputed issue, especially when dealing with issues related to the child;

In the presence of a previous history of violence, the court reviewing the family law dispute should pay due attention to informing the victim about the possibility of avoiding face-to-face meeting with the defendant and isolating her during the court proceedings (participation of a representative instead, remote participation using an electronic device, taking physical security measures at the court session, etc.). The victim must be given the opportunity to make an informed choice regarding the use of the mentioned measures, which must be ensured by the court;

Judges reviewing family disputes should be given high-quality training on the subject of violence against women at regular intervals, which will help them to take into account the experience and risks of domestic violence when deciding family law issues, use gender-sensitive approaches, conduct the court process adequately and ensure the protection of the psycho-social and physical safety of the victim during the proceedings;

Ensure that the trainings on the specified topic is carried out at regular intervals for the assistant judge hearing the family case, the secretary of the session and other relevant employees;

■ Ensure that women with experience of domestic violence carry out legal proceedings in family law disputes with strict adherence to procedural deadlines; Also, the consideration of these disputes should be given priority;

■ Ensure access to the institution of mediation for all citizens by opening mediation centers in the respective municipalities, which will be provided with human resources and appropriate material and technical base.

### **To the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, LEPL State Care and Assistance Agency for Victims of Trafficking:**

■ In order to ensure the functional involvement of the social worker in the alimony dispute and the quality of social work, to create a unified standard of social work and assessment methodology for cases of alimony payments, that will guide social workers. Also, to train the social workers, who will participate in the litigation of this category of disputes, on the issues of using the mentioned standardized tool. Also, it is important for the agency to take care of strengthening their professional capabilities at regular intervals;

■ In paragraph 1 of Article 3 of the agency's statute, which defines the functions of the agency, in the entry "Implementation of the functions assigned by the law on family disputes," the types of family disputes should be specified, including indication of dispute about the payment of alimony.

## To the Ministry of Internally Displaced Persons from the Occupied Territories, Labor, Health and Social Affairs of Georgia, LEPL Employment Promotion Agency:

■ In the program of employment promotion for 2023, as well as in the development of the programs of subsequent years, to additionally identify as beneficiaries the employment promotion of unemployed persons, capable of working and liable for alimony payments; During the implementation of the mentioned program, along with other vulnerable groups, to consider as a priority the promotion of their employment, in order to protect the primary interests of child support.

## To LEPL National Bureau of Enforcement:

■ In each alimony case, where the creditor indicates that the obligor is employed informally, the executor should carry out all enforcement actions (requesting information from the administrative body, individuals and legal entities, entering the apartment and inspecting all storage rooms) in order to find out the real income and the financial situation of the family (with which he lives). If the executor has a reasonable suspicion that the obligor is hiding income in order to avoid paying alimony, they should apply to the Ministry of Internal Affairs with a request to start an investigation.

## To the Ministry of Internal Affairs of Georgia, Prosecutor's Office of Georgia:

■ Ensure the initiation of investigation and collection of relevant evidence on all facts of obstinate evasion of alimony payments by the obligor, based on Article 176 of the Criminal Code of Georgia (obstinate evasion of alimony payments). It is important that the result of the investigation is criminal prosecution;

■ Based on the referral of the National Bureau of Enforcement, all cases of alleged existence of the obligor's informal income should be determined thoroughly and in every way;

■ Obstinate evasion of the payment of alimony should be considered as the refusal of the person liable for alimony payments to take advantage of the employment opportunities available to him, including the refusal to register as a job seeker and receive the services of the Employment Promotion Agency in accordance with the Law of Georgia on „Employment Promotion,“ which is confirmed by relevant evidence;

■ Ensure the development of guidelines for the investigation and prosecution of this crime and the training of employees, taking into account the best practices of other countries in terms of imposing criminal liability for non-payment of alimony;

■ The Criminal Procedure Code of Georgia should be amended, according to which, during the investigation - by the prosecutor, and by the court during the trial of the case, on the basis of the motion of the party, the criminal prosecution initiated on the basis of Article 176 of the Criminal Code of Georgia (obstinate evasion of alimony payments) can be suspended for a specified reasonable period of time, during which the defendant will be employed and/or starts to fulfill alimony obligations.

## To LEPL Legal Aid Service:

■ Provide quality legal assistance (representation in court) to a person in disputes related to the establishment of paternity and dissolution of marriage (imposition of alimony, division of property), in all cases when he/she cannot effectively protect his/her interests in court on his/her own and does not have the financial ability to hire a lawyer.

## To the responsible agencies: - Within the framework of inter-agency cooperation, in order to raise the legal awareness of the society, to conduct informational activities on the following issues:

■ On the legal means and consequences of establishing the paternity of a child born outside a registered marriage;

■ On the rights and obligations of the spouses, including the obligation to support the child and the legal ways of imposing alimony for this purpose;

■ On the right of recourse to the enforcement system and enforcement mechanisms for alimony payment cases;

■ On issues of the right of joint ownership of spouses to property acquired during marriage and realization of this right;

■ On the right to apply to the LEPL legal aid service for the establishment of paternity and in cases related to the dissolution of marriage;

■ In case of family law disputes - on the advantages and rules of the possibility of applying to the institution of mediation.

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