

Austria

Forms and Procedures

Compiled from Austrian Response to NCSEA 5 NOVEMBER 2003 Questionnaire

Procedures

The official language in Austria is German. Every application and all appended documents that are sent from Austria to the USA will be translated into English so that the court in the receiving country (USA) can read them. Vice versa every application and all appended documents which are sent from the USA to Austria have to be translated into German, so that the competent Austrian courts can read them. We only need one original or certified copy of every document. Using the bilingual forms makes things much easier.

To start a case we need an application which should include details concerning the personal status of the persons involved and have to be signed by the applicant or his/her legal representative, if the applicant is a minor. To get all relevant information we prefer the use of the bilingual forms for the application, the power-of-attorney and the statement of arrearages. A set of the relevant bilingual forms is appended. It is also possible to use other forms, but as we need every document with a translation into German, it is cheaper to use the bilingual forms.

If an enforceable support order exists a certified copy together with a translation into German is necessary, too. If the order was granted in default of the respondent we need a certificate, that the respondent was notified of the procedure and received the initiating document.

Concerning free legal aid for the Austrian proceedings it is necessary to complete the relevant Austrian form ("ZPForm 1"). In Austria the applicant is the child himself/herself and not the legal representative (e.g.mother); so the information given in the form should reflect the financial situation of the child and not the parent's situation. In nearly all cases a free-legal-aid-lawyer is granted who will act on behalf of the applicant. There will be a change of this situation on 1 January 2005. From that date onwards free legal aid will be granted automatically (ex lege) to the applicant and the completion of the Austrian form ("ZPForm 1") will not be necessary any longer.

The applicant does not have to be physically present in the Austrian court.

Forms

PETITION (Auslandsunterhalt E-D Antrag.doc)

POWER OF ATTORNEY (Vollm-e.doc)

STATEMENT OF ARREARS (Auslandsunterhalt E-D Rückstände.doc)

INFORMATION FOR LEGAL AID (zpform1.pdf) (bilingual version pending)