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OFFICE OF THE ATTORNEY GENERAL

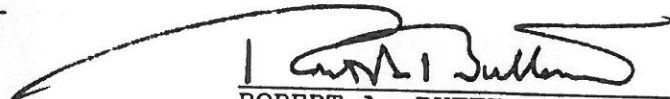
DEPARTMENT OF LEGAL AFFAIRS

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

DECLARATION OF RECIPROCITY

Pursuant to s. 88.0405, F.S., and for the reasons set forth in the attached opinion, I hereby declare the Kingdom of Sweden to be a reciprocating state for the purposes of Ch. 88, F.S., the Revised Uniform Reciprocal Enforcement of Support Act (1968), commencing March 26, 1991.


ROBERT A. BUTTERWORTH
ATTORNEY GENERAL



MAR 28 1991

Continued Enforcement of Reciprocity
OFFICE OF THE ATTORNEY GENERAL

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The Secretary

DEPARTMENT OF LEGAL AFFAIRS

THE CAPITOL

TALLAHASSEE, FLORIDA 32399-1050

ROBERT A. BUTTERWORTH
Attorney General
State of Florida

March 26, 1991

Mr. Robert B. Williams
Acting Secretary
Department of Health and
Rehabilitative Services
1317 Winewood Boulevard
Tallahassee, Florida 32399-0700

Dear Secretary Williams:

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

Section 88.0405(1), F.S., provides that the Attorney General may declare a foreign nation or state of a foreign nation to be a reciprocating state for purposes of Ch. 88, F.S. Such a declaration is dependent upon a finding by the Attorney General that reciprocal provisions are available in the foreign nation or state for the enforcement of support orders issued in the State of Florida.¹

You have furnished this office a copy of excerpts from the Swedish Code of Statutes regarding the reciprocal enforcement of maintenance orders. I find, based upon my examination of Swedish law, that reciprocal provisions are available in the Kingdom of Sweden for the enforcement of support orders issued in the State of Florida. Under the provisions of s. 88.0405, F.S., therefore, the Kingdom of Sweden may be declared a reciprocating state.

Section 1 of the "Act on the Recognition and Enforcement of Foreign Decisions Relating to Maintenance Obligations" (the act) provides that the government of Sweden may order that the act be applied to a state or part of a state which on essentially the same conditions stated in the act recognizes and enforces Swedish decisions or judgments on maintenance.² The act further provides that a decision³ by an authority having jurisdiction in a contracting state which has gained legal force shall also apply in Sweden if it relates to a parental obligation to pay maintenance for a⁴ period until the child attains the age of twenty-one or marries.

A decision that is recognized by virtue of the act is to be enforced by application.⁵ An application for enforcement is

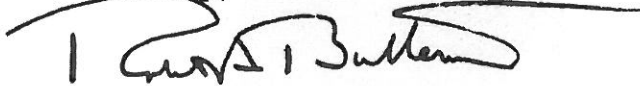
Mr. Robert B. Williams
Page Two

made to the Svea Court of Appeal.⁶ Recognition or enforcement of decisions may be refused if: (1) recognition or enforcement of a decision is manifestly incompatible with the public policy of Sweden; (2) a decision was obtained by fraud in the proceeding; (3) a case concerning the same matter is pending in Sweden and a claim has been made in Sweden prior to instituting a claim in another state; (4) a decision has been rendered in Sweden concerning the same matter; and (5) a decision has been rendered in another state concerning the same matter and that decision fulfills other conditions that meet the prerequisites for being valid in Sweden. Furthermore, a decision which was rendered by default in another state will apply in Sweden only if the defaulting party was given⁸ proper notice and had sufficient time to defend the proceedings.

In addition, the materials submitted to this office indicate that Sweden is a party to the 1956 New York Convention on the recovery abroad of maintenance. According to a Decree on the application of the New York Convention, the procedures foreseen in the convention are also applicable to the State of California, which as of September 1, 1988, declared Sweden to be a reciprocating state under the California Uniform Reciprocal Enforcement of Support Act. Under the Decree, the Ministry for Foreign Affairs is designated to act as the receiving and transmitting authority. In those cases where advance maintenance has been disbursed, the Social Insurance Office in Stockholm (Stockholms Lans Allmänna Forsakringskassa) has been designated to act as the transmitting agent.

It appears, therefore, that reciprocal provisions for the enforcement of support orders issued in the State of Florida are available under the Swedish Act on Recognition and Enforcement of Foreign Decisions Relating to Maintenance Obligations, provided that the State of Florida is declared to be a reciprocating state. In light of these reciprocating provisions available under Swedish law, I am of the opinion that the Kingdom of Sweden may be declared to be a reciprocating state pursuant to s. 88.0405, F.S.

Sincerely,



Robert A. Butterworth
Attorney General

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Mr. Robert B. Williams
Page Three

¹ See also, s. 88.031(18), F.S., defining "State" for purposes of Ch. 88, F.S., to include "any foreign nation or state of a foreign nation declared pursuant to s. 88.0405 to have similar reciprocal provisions."

² Added by Swedish Code of Statutes, SFS 1988:258, effective September 1, 1988.

³ Section 3, Swedish Code of Statutes, SFS 1976:108, Act on the Recognition and Enforcement of Foreign Decisions Relating to Maintenance Obligations, defines "decision" for purposes of the act to mean "a judgment or final ruling of a court of law or some other competent authority."

⁴ Section 2, Id.

⁵ Section 7 of the act.

⁶ Section 9 of the act.

⁷ Section 4 of the act.

⁸ Id.

⁹ 1988:921 amending Decree 1958:22.