

Empirical Study on the Difficulty of Enforcing Minor Children's Alimony after Divorce

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ABSTRACT

With the development of modernization, the concept of marriage and family in China is also changing, the divorce rate is on an amazing rise. In addition to the division of property, the raising of minor children is also the focus of divorce cases. This paper takes a district court of C City, S Province as a sample, and statistics the cases of alimony enforcement in this court from 2023.1.1 to 2023.8.31, and summarizes the characteristics of such cases. It is found that in judicial practice, there are blood parents' antagonism and communication failure in the enforcement of alimony; lack of affection between parents who do not live together and their dependent children; the person subject to enforcement intentionally evades payment; the executee's inability to pay and many other problems. And try to put forward the solution path, such as multi-party interaction to ease the contradiction; interpretation of the law to protect parental rights; strengthen the penalty of refusing to enforce the establishment of a unified deduction network; explore the implementation of compulsory insurance system for minors in order to provide reference for the case of child maintenance enforcement in China.

KEYWORDS

Minor Children's Alimony; Divorce; Enforcement; Family Law.

1. INTRODUCTION

In recent years, with the change of people's concept of marriage and family, the social marriage rate and divorce rate are also in a dynamic change. According to the statistics disclosed by the Ministry of Civil Affairs recently, a total of 3.928 million marriages were registered in the first half of 2023, and 1.317 million divorces were registered, with a registered divorce rate of 33.52%, that is, 33.52 couples in 100 chose to register for divorce, compared with the statistics for the whole year of 2022, the registered divorce rate increased by 2.79%. In addition to registering divorce, litigation divorce and mediation divorce are also one of the important ways to dissolve marriage, according to the annual bulletin of the Supreme Court issued in January 2023, a total of 1,415 million divorce disputes were received in 2022, which is an amazing number.

The continuous rise of divorce rate makes marriage and family disputes increase. The dissolution of marriage relationship involves not only the division of common property of husband and wife, but also the raising and guardianship of married children. In the judgment and mediation, most courts make judgments or mediation agreements on the raising of minor illegitimate children. However, due to the serious family conflicts between the two parties in divorce cases, there are many obstacles to the automatic performance of alimony after the judgment documents come into effect. Therefore, the compulsory enforcement of alimony has become an important part of the enforcement work of basic courts in recent years.

2. OVERVIEW OF JUDICIAL DATA

This paper takes a district court in C City, S Province as a sample, searches marriage and family disputes as the cause of enforcement, and statistics such enforcement cases of this court from 2023.1.1 to 2023.8.31. A total of 111 marriage and family enforcement cases are retrieved, excluding divorce property disputes, cohabitation and property analysis disputes, and the remaining 81 cases involving parenting are adjudicated. Among them, there are 65 cases in which the parties applied for mandatory enforcement of maintenance related sentences, and this paper takes the data of these 65 cases as the main research sample.

2.1. Statistics of Implementing Instruments

It can be seen from Table 1 that the basic court of dependence-related cases implemented the principle of "family mediation priority" in the trial process, and 43 cases of dependence-related cases were executed on the basis of mediation, accounting for 66.15%.

Table 1. Implementation basis

| | |
|---|---------------------------------------|
| Enforcement request relates to dependency | 65 cases (62 alimony;3 visitation) |
| Based on the mediation document | 43 cases |
| Base on the judgment | 22 cases |

Obviously, from Fig. 1 we can conclude, among the cases involving compulsory maintenance, the problem of delinquency of maintenance payments is more serious. 23 cases had already defaulted on the maintenance payments of married children at the time of adjudication, accounting for 35.4%, and the amount was relatively high. In addition, only 2 of the 23 cases of delinquent alimony were less than 10,000 yuan. In case 1, the enforcement request was 300 yuan for alimony in January. Case 2: The application for execution is 4,125 yuan. In another 21 cases, the amount of unpaid maintenance fees is more than 10,000 yuan, and there is a situation that one party is in arrears for a long time. There were 7 cases in which the amount of unpaid maintenance fees was more than 50,000 yuan, of which the largest amount was 185,000 yuan, which was a relatively large amount.

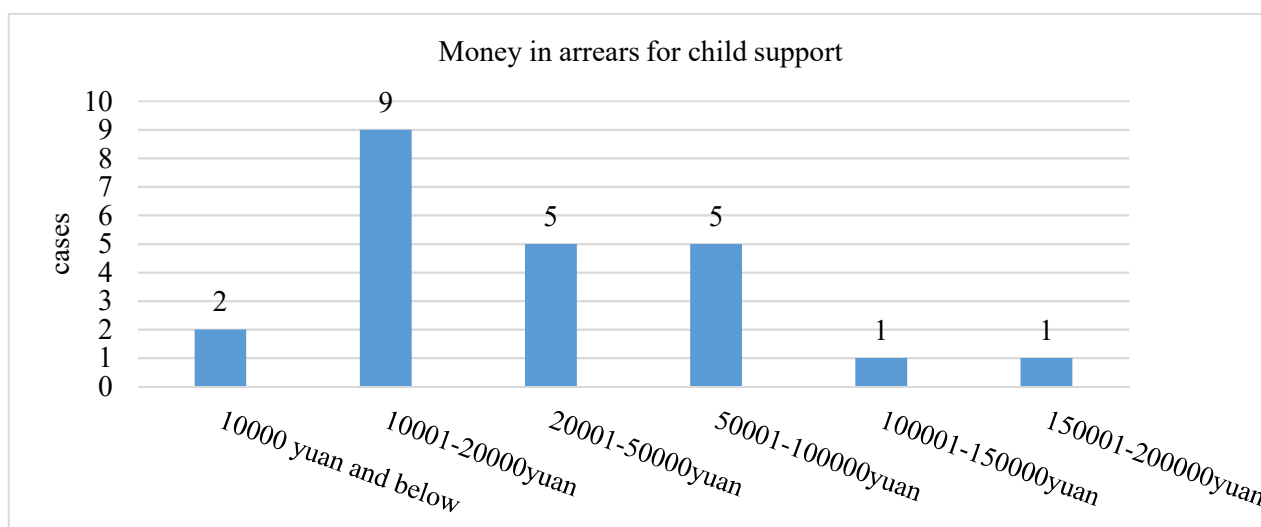


Fig. 1 Delinquent maintenance at the time of adjudication (23 cases in total)

Most of the enforcement grounds in the maintenance cases contained the amount of future maintenance payments, and only 4 enforcement grounds did not make a judgment or mediation on future maintenance payments. Among the 61 documents stating the amount of future maintenance fees, the amount of maintenance fees in nearly 50% of the cases is concentrated in 501-1000 yuan/month, there are 11 cases of 500 yuan/month and below, and 11 cases of 1001-1500 yuan/month, from Table 2 the future maintenance fees are not high on the whole. While in German civil law, the determination of child maintenance is based on the minimum standard of living. In China, the judgment is mainly carried out according to the alimony requested by the parties within a certain range or the agreement of the parents of the minors' native family is fully respected in the mediation, there is no mandatory alimony standard, and all the implementation basis does not specify the prognostic change of alimony amount, and the fixed amount of alimony is lagging behind and inconsistent.

Table 2. The amount of child support in the legal document

| Child support amount | 61 cases in total |
|---------------------------------------|------------------------|
| 500 yuan per month and below:11 cases | |
| 501-1000 yuan/month:30 cases | 4500 yuan/month:1 case |
| 1001-1500 yuan/month:11 cases | 1000yuan/season:1 case |
| 2000 yuan/month:2 cases | 10000 yuan/year:1 case |
| 2500 yuan/month:1 case | 20000 yuan/year:1 case |
| 3000 yuan/month:1 case | phased:1 case |

From the perspective of the settlement method of alimony, the vast majority of cases are settled monthly, which can be drawn from Fig. 2. The judgment or the parties agree to settle alimony monthly, which on the one hand ensures the basic life of the dependants and enables them to get economic assistance in time; On the other hand, for non-living parents, only the monthly maintenance payment is paid once, and the overall burden is small.

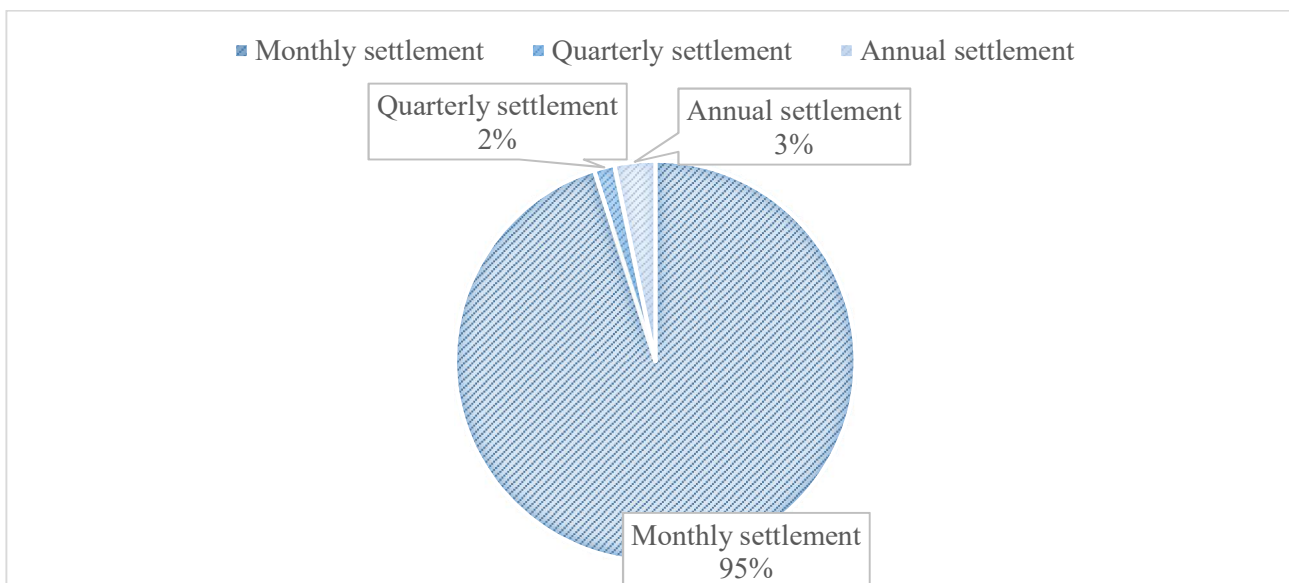


Fig. 2 Method of settlement of alimony

Education and medical expenses are important components of maintenance fees. Among the 53 cases in the sample, education and medical expenses were settled separately in addition to living expenses, and only 9 cases were not settled separately. No separate settlement can be divided into two situations, one is a clear judgment or agreement to pay monthly maintenance fees including education and medical expenses. Second, the legal document only specifies the living expenses, and does not make a judgment or agreement on education and medical expenses.

Table 3. Education and medical expenses

| Whether education and medical expenses are calculated separately | |
|--|----------|
| Yes | 53 cases |
| No | 9 cases |

2.2. Statistics of Legal Subjects

It is not difficult to see from the following table that the subject of application for enforcement is the dependent children and the mother of the dependent children, and there are not a few cases where the dependent children are directly the subject of application, accounting for 41.53%. Contrary to the traditional stereotype, the proportion of illegitimate children as the parties in the dispute of maintenance fees is increasing. On the other hand, there is a significant difference in the number of subjects subject to enforcement, 76.9% of the cases subject to enforcement is the father. There are two reasons for this situation. First, the proportion of dependent children in mediation or judgment is relatively high. Second, the role of the father in raising minor children after divorce is gradually diminished, and he does not live with his children, and the parent-child relationship is increasingly indifferent, therefore, father is not very motivated to pay child support. Research shows that the poverty rate of single-parent families, especially those headed by women, is very high, which is due to occupational gender discrimination and sole child-rearing, and single mothers work shorter hours, which further demonstrates the importance of timely payment of child support to single-parent families.

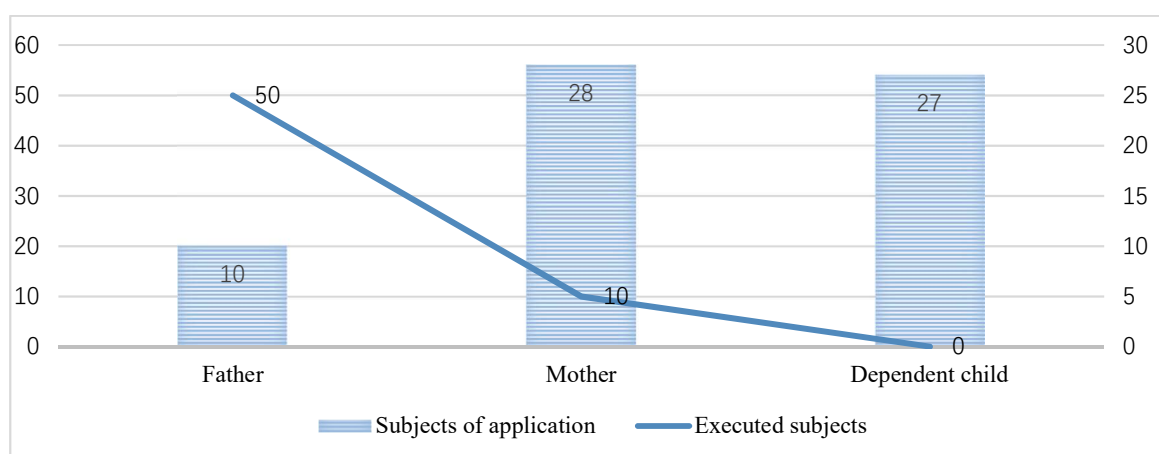


Fig. 3 The subjects of the execution case

With respect to the dependent children, firstly, in terms of numbers, the 65 execution cases involved 71 dependent children, of whom 31 were boys and 40 were girls, for a total of 59 cases involving 1 child born in wedlock and 6 cases involving 2 children born in wedlock. Secondly, from the perspective of age, the age of the dependent children at the time of adjustment is normally distributed,

and it is worth paying attention to that there are 7 dependent children under 2 years old. Although there is a gap between the time of application for execution and the time of judgment, the age of the dependent children has changed, but the number of young dependents is still large, there are 24 people under the age of 8, and the restrictive conditions for the application of divorce by agreement can be increased, and divorce cases with minor children can be distinguished.

Then, with 10 years of age as the limit, "divorce by agreement" is not applicable to the dependent children under 10 years of age, and the court will make a ruling to protect the rights and interests of the younger children. For those over 10 years of age, it is necessary to let the child express his or her true wishes in the "agreement" and "proceedings". In addition, it is worth noting that there are 12 dependent children aged 16 and above, and some cases the applicant requests to apply for the execution of university living expenses, education expenses, etc. In Japan, when the children are adults but have no independent financial sources, if there are college tuition fees, hospital treatment needs medical expenses, etc., the court can judge the divorced parents to continue to pay maintenance fees. The execution basis of the sample cases specifies that the payment of alimony is mostly "until the time of marriage/independent life of the child", rather than "until the age of adulthood" in the past, which proves that the judicial practice of alimony judgment mediation in China is constantly adjusting, which is gradually consistent with the excellent judicial experience outside the region.

Table 4. Status of dependent children

| Number of dependent children | Age of the dependent child at the judgment | Age of the dependent child at the application for enforcement |
|--|--|---|
| 1 dependent child:59 cases | $x \leq 2$ years: 7 persons | $x \leq 2$ years: 1 person |
| 2 children:6 cases | 2 years $< x < 8$ years: 25 people | 2 years $< x < 8$ years: 23 people |
| Total number of children supported: 71 | 8 years $\leq x < 16$ years: 29 people | 8 years $\leq x < 16$ years: 31 people |
| Boys: 31 Girls: 40 | Age 16 and above: 6 people | Age 16 and above: 12 |
| | Unknown: 4 persons | Unknown: 4 persons |

2.3. Statistics of the Execution Section

The number of cases related to the person subject to execution is the main basis for measuring the disputes involved in the person subject to execution. After the case connection of the person subject to execution in these 65 cases, this paper found that the person subject to execution in 40% of the maintenance fee dispute cases was also the person subject to execution in other cases, among which the largest number of related cases was 11. Secondly, by screening the causes of related cases, the number of repeated enforcement of maintenance fees can be obtained. 60% of the cases do not have repeated enforcement of maintenance fees, but there are still 40% of the cases have repeated enforcement of maintenance fees, among which the maximum number of enforcement of maintenance fees is 12 times.

It can be seen from Table 2 that the alimony agreed by judgment or mediation is mostly at a reasonable and low level. However, it can be seen from Table 5 that there are only 12 cases applying for the enforcement of alimony subject matter below 5000 yuan, most of which are above 5000 yuan, and the cases with the enforcement subject matter of 10001-20000 yuan are the most. There are 8 cases with the execution target of 50001-100,000, and 2 cases with more than 100,000 yuan, with a total amount of more than 1.56 million yuan, and the overall implementation target amount of alimony is relatively large.

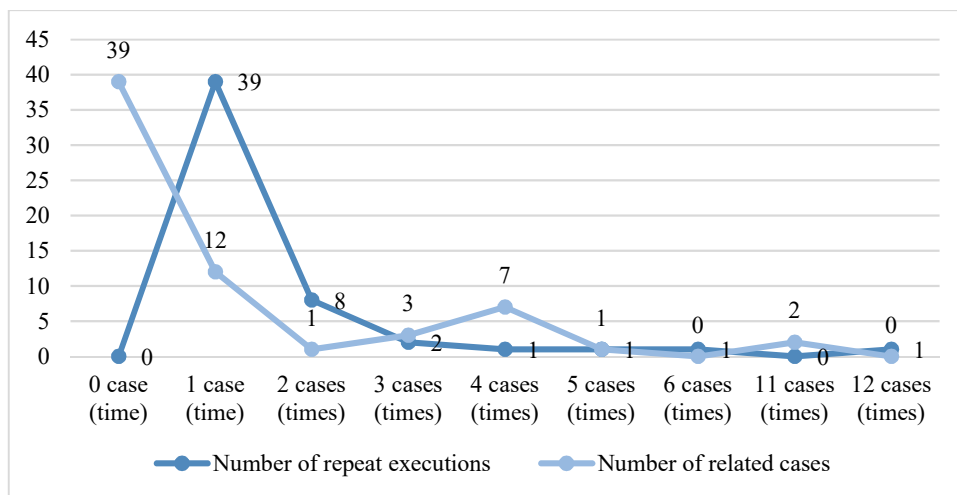


Fig. 4 Number of related cases/repeated executions of the executed subject

In addition, the payment rate of completed maintenance fees is 70.42%, although this data is the highest implementation rate of grass-roots courts, there are still 29.58% cases of maintenance fees cannot be implemented in place. Maintenance fees are different from claims disputes, etc. One of the main purposes of establishing the maintenance fees system is to provide economic support similar to that of complete families for children of single-parent families. To reduce the risk of poverty for the minor children whose main source of income is the maintenance fee is the life guarantee of the minor, which has its particularity. In general, the data in the table show that, on the one hand, the amount of delinquent maintenance payments of the executed persons is generally high, and on the other hand, the rate of implementation of maintenance payments cannot guarantee that the dependants can be fully supported.

Table 5. Execution amount of alimony

| | |
|--|-----------------------------|
| x≤5000 yuan: 12 cases | 5001-10000 yuan: 13 cases |
| 10001-20000 yuan: 15 cases | 20001-30000 yuan: 7 cases |
| 30001-50000 yuan: 5 cases | 50001-100,000 yuan: 8 cases |
| x > 100,000 Yuan: 2 cases | |
| Total amount: 1,5616,413 million yuan | |
| The payment rate of the settled child support fee: 70.42% applied: 1,08.53911 million yuan in place: 76.437634 million yuan | |

The maintenance fee enforcement interval is the interval between the effective time of the enforcement basis and the application for enforcement time. The following data shows that about 1/3 of the cases applied for the enforcement of the maintenance fee within 6 months, and 15 cases applied for the enforcement between one and two years after the judgment, accounting for 24%, among which the longest interval for the enforcement is 12.5 years.

In addition, in the application for enforcement, the time of the person subject to enforcement in arrears of maintenance payments is also more important. From the above table, it can be seen that the majority of cases of the person subject to enforcement in arrears of maintenance payments for more than half a year are not a few, and the arrears of maintenance payments for more than 5 years are 7 years, of which the longest arrears is 14 years and 2 months. Therefore, on the whole, both the interval between trial and execution and the time of delinquent maintenance fee are relatively long. There are two

reasons for this result: on the one hand, the applicant does not apply for execution in time; on the other hand, the person subjected to execution has a serious lag in fulfilling the maintenance fee.

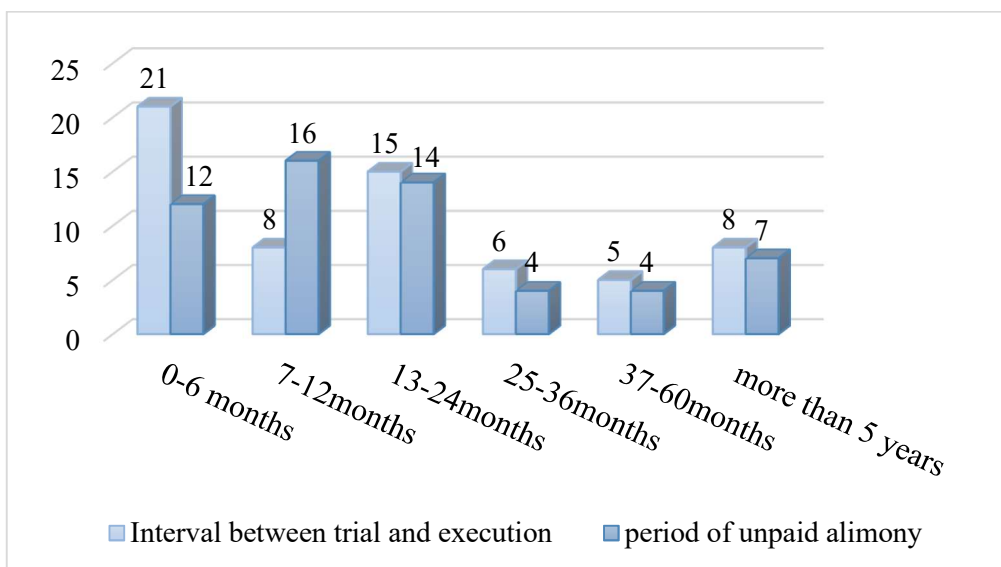


Fig. 5 Time between trial and execution and period of unpaid alimony

3. CHARACTERISTICS OF ALIMONY ENFORCEMENT CASES

To sum up, from the above samples, it can be concluded that the enforcement of alimony in judicial practice has the following characteristics.

Feature 1: The maintenance fee is overdue for a long time, and the amount of arrears is larger. There are two kinds of cases in which alimony is overdue for a long time. First, in judgment and mediation, due to the long-standing resentment between the husband and wife and the existence of long-term separation in marriage, one party has neglected to take care of the married child for a long time and has not fulfilled the responsibility of raising and guardianship, and the alimony has not been paid for years, so the alimony is overdue for a long time in divorce. Second, after the judgment and mediation take effect, the applicant does not apply for compulsory execution, and the person subject to execution is idle in performing the judgment and mediation specified in the document for a long time, until the amount of the applicant applies for execution, so the period of the person subject to execution in arrears of maintenance payments will be relatively long. In the above two cases, it is precisely because of the longer delinquency of maintenance payments that the amount of enforcement in maintenance cases is usually larger.

Feature 2: The implementation time is long, and the maintenance fee is difficult to be in place in time. It can be seen from Table 5 that the payment rate of the settled alimony is 70.42%. Although the payment rate is high, the enforcement period is longer than the voluntary performance, and it is difficult to pay the alimony to the dependents in time. For example, although the person subject to enforcement has a fixed salary, the method of extracting salary income is adopted in the execution. From applying for execution to the monthly withdrawal by the court to the payment of the target amount, the workload is heavy and the execution time is relatively long. In addition, in recent years, the number of new cases and old cases of the enforcement department of the people's Court has accumulated a huge number, and the cases of maintenance fees are even lost in the pile of cases. Applicants are unable to get their due support quickly.

Feature 3: The person subject to execution is lacking in conscious performance consciousness, and there is repeated execution of alimony. According to Figure 4, 40% of the cases have repeated

enforcement, which is relatively high. The reason is that the recovery of alimony is not limited by the statute of limitations, and the payment of alimony is long-term and guaranteed. However, the person subjected to enforcement has a negative attitude towards the performance of alimony and has been lazy in the performance for a long time, so the applicant has no choice but to enforce it repeatedly to protect his legitimate rights and interests. Ensure the basic livelihood of the dependents. Although repeated execution is the legitimate right of the applicant, it is also forced by the fact that the executed person does not perform, but the heavy execution rate of up to 40% is really unbearable for the basic court with a huge number of cases, and there is a waste of judicial resources. Therefore, in order to fundamentally solve this problem, it is necessary to design a top-level system. Let the dependent children receive timely economic support for their lives, and at the same time reduce the pressure on grassroots courts to handle cases and implement them.

4. REASONS FOR DIFFICULTY IN ENFORCING ALIMONY

4.1. Blood Parents Hate Each Other, Can Not Communicate

The cases of alimony disputes usually have the situation that the parents of the dependant break down their feelings and the family conflicts are more acute, so the parents of the dependant have many practical problems in communication. First of all, because the divorced husband and wife no longer live together, or set up different families, there are many obstacles in the communication between the two sides due to emotional reasons, new families and other reasons, resulting in the two sides can not reach a timely and unanimous negotiation on the payment of maintenance. Secondly, when divorce, one or both parties have different degrees of fault, with resentment in each other's hearts, so there is a certain emotion when communicating the maintenance, resulting in the maintenance can not be fulfilled on time. Finally, when the alimony dispute enters the execution stage and the judge interviews both parties on the issue of automatic performance of alimony, both parties will be emotional, the conflict cannot be resolved, and even intensified. Although the enforcement of the case has been completed, the payment of alimony will be a long-term performance process, and the person subject to enforcement will not automatically perform due to inherent contradictions. Thus, the implementation process of alimony becomes more lengthy and difficult.

4.2. Lack of Affection between Non-resident Parents and Dependent Children

The breakdown of parents' marriage is a great harm to minor children, and the most direct impact is that parents and children no longer live together. There are two results as follows: first, the parents who do not live together with their minor children spend less time together, their feelings gradually fade, the parent-child relationship becomes rigid, the sense of responsibility of the executed person becomes weak, and they are unwilling to continue to pay maintenance fees; second, one party with custody is unwilling to visit the children without co-resident parents, hiding the children to avoid meeting, and one party wants to meet the children but cannot, so the contradiction is intensified, and the executed person is unwilling to automatically fulfill the maintenance.

The indifference of parent-child relationship is the inevitable result of the divorce of parents, and the existence of heart knot on the side of the executed person is also the main reason for the difficulty of enforcing the alimony in practice.

4.3. The Subject of Execution Intentionally Evades Payment

Of course, in addition to the reasons for communication and emotional reasons, there are also situations in judicial practice where some of the executed persons intentionally evade paying maintenance fees. Although the person subject to enforcement is the biological parent of the child being brought up, but because the person subject to enforcement simply does not want to increase the

burden of living, is unwilling to bear the responsibility of raising the child, although he has the ability to deliberately evade, by transferring assets, changing contact information, change of residence and other ways refuse to pay maintenance. This kind of situation is worse than the two situations mentioned above, such as communication failure and indifference between parents and children, and it is necessary to design relevant legal systems to pre-restrict evasive behavior.

4.4. The Subject of Execution is Unable to Pay

Of course, there are some cases where the person being executed is unable to pay. It can be seen from Table 2 that 37.09% of the cases were in arrears of alimony at the time of adjudication, and 33.87% were in arrears of 10,000 yuan or more. After mediation, trial and application for compulsory execution, the amount of alimony was constantly superimposed and accumulated, and the alimony at the time of final execution was often tens of thousands or even 50,000, 60,000 or 100,000 yuan. For some of the executed people, there are certain difficulties in taking out this money at one time, and they are unable to pay. Even if the two parties reach an execution settlement agreement, there will be cases of failure to pay in time, and at the same time, new maintenance fees continue to increase. Thus, an execution dilemma is formed, on the one hand, the executed person is really unable to pay, on the other hand, the life of the dependent children is in urgent need of protection. No matter from moral or legal sense, the responsibility of custody can not only be borne by the party with the right of custody, so it is necessary to carry out forward-looking avoidance and institutional prevention of such situations.

Although there is a judicial aid system in China, which stipulates that the cases seeking maintenance fees can be rescued, but it contains additional conditions, that is, the person who is executed does not perform and causes the applicant's life difficulties, judicial aid resources are limited, and other relief cases need to be taken into account. The number of judicial aid disputes for maintenance fees is not large. Therefore, when the person subject to enforcement is unable to pay and the applicant does not get other assistance, the responsibility of rearing is essentially borne by one of the parties, and in judicial practice, the proportion of minor children living with their mothers after divorce is relatively high, and the economy of single-mother families will be more difficult. Obviously, this illegal spirit needs to be structured to protect the rights of the dependent children and the parents who bear the responsibility of rearing.

5. PATH TO THE DIFFICULTY OF ALIMONY IMPLEMENTATION

5.1. Multi-party Coordination to Ease Contradictions

In order to solve the problem that the applicant or agent cannot communicate with the person subject to execution, the primary task is to ease the contradiction between the parties. The traditional family adjudication mode is often only to mediate the property disputes, and does not focus on the repair of personal relationship, often ignoring that property disputes are generated in the rift of personal relationship. On the one hand, when handling enforcement cases, the judge can persuade the two parties through telephone communication or offline interview, so as to achieve the effect of easing the conflict, so that the two parties can carry out normal communication on the payment of maintenance fees. On the other hand, people with certain authority such as village committees, neighborhood committees, and relatives can be invited to intervene and mediate between them, explaining the importance of maintenance fees to the living security of the dependent children, resolving conflicts to a certain extent, allowing the executed person to take the initiative to assume the responsibility of maintenance, and achieving the effect of automatically fulfilling the due maintenance fees.

The increasing dependence of society on justice has led to the generalization and even alienation of judicial functions. The socialization of family procedures should also establish a reasonable order

framework to prevent the socialization of family procedures from diluting the core functions of justice and thus endangering judicial credibility. The social effect of family procedures should also be the radiation effect produced by procedural rules and judicial decisions. Therefore, the enforcement of maintenance fees can not only rely on the judicial force, when the multi-party interaction to ease the marriage, ease the family, ease the main contradictions in society, in order to enhance the stability of marriage, family, society.

5.2. Explain the Law and Guarantee Parental Rights

The enforcement of alimony disputes is often complicated by the lack of cooperation between the obligated party and the dependent children, as well as the strained parent-child relationship. This not only hinders voluntary compliance with alimony obligations but also negatively impacts the well-being of the dependent children. While marriage and family relationships fall under private law, they hold significant public interest implications. These relationships play a crucial role in shaping children's socialization and contribute to mitigating societal conflicts, thereby upholding overall social stability. Therefore, both parents should be acknowledged and supported, with their parental rights being fully protected.

From a child-centric perspective, efforts should be made to facilitate communication between minor children and their parents or close relatives. Firstly, it is essential to disseminate legal knowledge among co-resident parents regarding visitation rights as not just a legal entitlement but also integral for the healthy development of children. The notion of "parent-centered" thinking in child custody matters should be discarded; no single parent can unilaterally deny a child's right to live with the other parent. Timely updates on children's living arrangements and educational status are imperative.

Secondly, there needs to be an understanding and validation of the obligated party's position. Even if they have not lived with or raised the child in question previously, they still bear parental responsibilities such as visitation rights and access to information about their child's welfare while fulfilling timely support payments.

To address existing biases that prioritize mothers' vulnerable status over legitimate interests of children themselves, mechanisms for independent expression of minors' interests should be explored. This includes discerning genuine desires from minors regarding marriage and family life while implementing Family Education Orders for negligent parents who fail in their guardianship duties.

Ultimately, both parents must share responsibility for caring for their marital offspring while safeguarding divorced children's parental rights alongside those who do not reside together-all within the best interests of minor children.

5.3. Strengthen the Punishment of Refusal to Implement and Establish a Unified Deduction Network

In the modern "family revolution", China got rid of the shackles of the traditional social clan identity, and made great strides towards the civil litigation legislation with individual rights and contract freedom as the core. The discourse system of natural person and legal person covered the direct experience object of the civil private field - the family. Pure individual freedom will lead to the loss of ethics, and the ethicization and socialization of natural persons completed by the family have created a large number of economic crises and moral disasters. Family procedure law can no longer assume "rational personality person".

For persons who are able to pay and intentionally evade paying alimony, they can no longer expect their automatic performance under the assumption of "rational personality person". While upholding good faith and civilized execution, the first thing is to increase the punishment for such acts, carry out criticism and education on the executed persons and impose more severe penalties. In addition to the judicial detention measures that are universal in judicial execution procedures, Other penalties

can also be imposed, such as prohibiting the application for professional qualifications, revoking the driving license, temporarily stopping the payment of social insurance, temporarily canceling the minimum living security benefits... Let's wait. Second, it is possible to establish a unified deduction network for alimony, prioritize deduction for alimony dispute cases within a certain period of time, and for those with fixed work, it is possible to entrust the executed unit to deduct alimony first by referring to the tax system. For example, Australia's child support plan makes maintenance payments linked to the income and tax of the parties who are liable to pay, and is collected and transferred by the child support agency set up in the tax department office building, which makes the payment of child support payments automatic and irresistible, some people describe it as "irresistible as death".

5.4. Explore and Practise a System of Compulsory Insurance of Minors

The three ways mentioned above are all prognostic solutions to the problem of difficult enforcement of alimony, but the establishment of juvenile compulsory insurance system can solve the problem in advance. The so-called compulsory insurance system for minors, that is, at the time of divorce, the party who does not have custody of the minor children is forced to pay education annuity insurance, medical insurance, etc., the payment period can be prescribed by law or agreed by the parties, and when the person subjected to enforcement is lazy in fulfilling the education and medical expenses, the insurance can be deducted. The living expenses of the dependent children can also be paid by referring to education annuity insurance and medical insurance. In order to solve the problem of difficult enforcement of maintenance fees, the French Civil Code stipulates that the maintenance agent must pay a sum of money to the entrusted organization, and the organization will pay regular maintenance fees to the children. This approach is similar to the compulsory insurance system mentioned above, except that the concept of compulsory insurance system concretizes the "entrusted agency" in the French Civil Code as a commercial insurance company.

In addition, the traditional litigation guarantee system can also be applied to divorce cases with children, forcing both parties or one party to provide the corresponding guarantee of child support after divorce, and the prognosis is to execute the guaranteed property when the executed person fails to perform, so as to avoid the phenomenon of evaded execution.

Under special circumstances, where the person subject to enforcement is unable to pay the maintenance fee and has not received judicial assistance, the people's court may issue a certificate and the dependent child may apply on his/her own initiative, and social security institutions such as the Ministry of Civil Affairs and the minor protection agency may provide the dependent child with a certain amount and necessary support allowance.

6. SUMMARY

The family is the smallest unit of society, minors are the future of the country, and the enforcement of maintenance fees affects the social stability and the future of the country. China has spent more than 70 years to achieve today's achievements in the rule of law. While citizens' awareness of the rule of law is constantly strengthened, it will also bring the danger of pan-judicial social disputes. Justice cannot and cannot solve all social conflicts, especially those involving family matters with complicated psychological states. In countries where the concept of rule of law has been fully strengthened, it is necessary to consider institutionally involving part of the work to complete social referral, which on the one hand relieves the case-handling pressure of "paperwork paperwork" of the basic people's courts, and on the other hand relieves the conflicts between society and families, so that dependent children and divorced families can receive financial support with the minimum time and cost.

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