

Case study 1 - family law - divorce - Hungary

Costs in Hungary

Costs of alternative dispute resolution (ADR)

<p>Case study</p> <p>Alternative dispute resolution (ADR)</p> <p>Is such an option available for this type of case?</p> <p>Yes, but only as regards agreement on issues concerning the dissolution of marriage, such as the custody and financial support of children, contact between parent and child, conjugal maintenance, the use of jointly owned real estate and the distribution of jointly owned property. The court, however, still needs to approve the agreement reached by the parties.</p> <p>Case A</p>	<p>Costs</p> <p>As agreed by the parties and the mediator.</p> <p>Anyone involved in new or on-going proceedings may request mediation at the court, which is free of charge.</p> <p>As agreed by the parties and the mediator.</p> <p>Anyone involved in new or on-going proceedings may request mediation at the court, which is free of charge.</p>
<p>Case B</p> <p>Yes, but only as regards agreement on issues concerning the dissolution of marriage. The court, however, still needs to approve the agreement reached by the parties.</p>	<p>Costs</p> <p>As agreed by the parties and the mediator.</p> <p>Anyone involved in new or on-going proceedings may request mediation at the court, which is free of charge.</p>

Attorney, bailiff and expert fees

Case study	Attorney	Bailiff	Expert	Costs
	Is legal representation compulsory?	Average costs	Is legal representation compulsory?	Must it be made use of?
Case A	No	As agreed by the client and the attorney.	No	No
Case B	No	As agreed by the client and the attorney.	No	No

## Costs for witness compensation, deposits, securities and other relevant fees

Case study	Witness compensation Are witnesses eligible for compensation?	Costs
Case A	Yes	Witness compensation is regulated by law. Witnesses are entitled to reimbursement of their travel, accommodation and subsistence costs, and compensation for their period of absence from work.
Case B	Yes	Witness compensation is regulated by law. Witnesses are entitled to reimbursement of their travel, accommodation and subsistence costs, and compensation for their period of absence from work.

## Costs for legal aid and the reimbursement of expenses

Case study	Legal aid When and under what conditions is it applicable?	Reimbursement of expenses If reimbursement is not comprehensive, what is the usual percentage of costs covered?	What costs may not be reimbursed?	Are there instances when legal aid must be reimbursed?
Case A	When is full legal aid available? In cases where, based on information available at the time, the estimated legal costs are likely to render access to the court impossible for the applicant. Legal assistance is free of charge within the framework of legal aid, below an income threshold equal to the minimum retirement pension.	Can the successful party obtain reimbursement of litigation costs? Yes, the losing party must be ordered to reimburse the costs of the successful party, except where otherwise provided for by law, including where the law obliges another party to bear the costs irrespective of the court's decision.	What costs may not be reimbursed? In justified cases, the court may reduce attorneys' fees it deems unreasonably high. The parties may not be ordered to bear costs incurred due to (otherwise preventable) reasons attributable to the court. Reimbursement of legal costs to parties may not exceed the amount claimed by them.	Are there instances when legal aid must be reimbursed? Yes, if it is found that the party benefiting from legal aid was not eligible to receive it. The losing party must reimburse the appointed public attorney's fee, which was paid in advance by the State, directly to the State. The losing party must pay the administrator's fee, even if it is eligible for legal aid.

Case study	Legal aid	Reimbursement of expenses
	<p>When and under what conditions is it applicable?</p> <p>When is full legal aid available?</p> <p>In cases where, based on information available at the time, the estimated legal costs are likely to render access to the court impossible for the applicant. Legal assistance is free of charge within the framework of legal aid, below an income threshold equal to the minimum retirement pension. Citizens of EU Member States and citizens of non-EU States who reside legally in an EU Member State are eligible to receive legal aid under the same conditions as Hungarian citizens.</p>	<p>Can the successful party obtain reimbursement of litigation costs?</p> <p>If reimbursement is not comprehensive, what is the usual percentage of costs covered?</p> <p>What costs may not be reimbursed?</p> <p>Are there instances when legal aid must be reimbursed?</p>
Case B	<p>See the section on legal aid. The decision on granting legal aid may take into account the cost of living in each party's country of residence.</p>	<p>Yes, the losing party must be ordered to reimburse the costs of the successful party, except where otherwise provided for by law, including where the law obliges another party to bear the costs irrespective of the court's decision.</p> <p>In the event of partial success in a lawsuit, the amount to be reimbursed shall be commensurate with the claim and the advance payments made by each party. The court may also order each party to bear its own costs.</p> <p>In justified cases, the court may reduce attorneys' fees it deems unreasonably high. The parties may not be ordered to bear costs incurred due to (otherwise preventable) reasons attributable to the court. Reimbursement of legal costs to parties may not exceed the amount claimed by them.</p> <p>Yes, if it is found that the party benefiting from legal aid was not eligible to receive it. The losing party must reimburse the appointed public attorney's fee, which was paid in advance by the State, directly to the State. The losing party must pay the administrator's fee, even if it is eligible for legal aid.</p>

## Costs for translation and interpretation

Case study	Translation	Interpretation
	<p>When and under what conditions is it required?</p> <p>Approximate cost</p>	<p>When and under what conditions is it required?</p> <p>Approximate cost</p>

Case A	If a party does not speak or understand Hungarian.	<p>The translator determines his/her fee. The fee is calculated based on the character count (approx. HUF 5 per character), the deadline and the source language. Translation costs incurred in connection with evidence provided and submissions made by parties entitled to use their native, regional or minority language during civil proceedings are paid in advance on their behalf by the State. These costs are subsequently governed by the provisions on the recovery of legal costs.</p>	If a party does not speak or understand Hungarian.	<p>The interpreter determines his/her fee. The hourly fee depends on the language used. Approximately HUF 10 000 to 12 000 per hour. The State bears or pays in advance the interpreter's fees in cases where interpreting is mandated by law.</p>
Case B	If a party does not speak or understand Hungarian.	<p>The translator determines his/her fee. The fee is calculated based on the character count (approx. HUF 5 per character), the deadline and the source language. Translation costs incurred in connection with evidence provided and submissions made by parties entitled to use their native, regional or minority language during civil proceedings are paid in advance on their behalf by the State. These costs are subsequently governed by the provisions on the recovery of legal costs.</p>	If a party does not speak or understand Hungarian.	<p>The interpreter determines his/her fee. The hourly fee depends on the language used. Approximately HUF 10 000 to 12 000 per hour. The State bears or pays in advance the interpreter's fees in cases where interpreting is mandated by law.</p>

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