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Case study 2 - family law - custody of the children - Hungary

Costs in Hungary

Costs of alternative dispute resolution (ADR)

Case study	Alternative dispute resolution (ADR)	
	Is such an option available for this type of case?	Costs
	Yes. If the parents cannot agree on how and when the right of access may be exercised, they may request mediation on child-welfare grounds. Mediation may also be requested during an enforcement procedure. Within two years of a court decision on the right of access becoming final, petitions for altering the decision may be lodged only with the same court, which retains the authority to decide.	As agreed by the parties and the mediator.
Case A	Yes. If the parents cannot agree on how and when the right of access may be exercised, they may request mediation on child-welfare grounds. Mediation may also be requested during an enforcement procedure. If more than two years have passed since the conclusion of the divorce or the lawsuit for custody of the child, the guardianship office may approve the parents' agreement or, at their request, decide on the right of access.	As agreed by the parties and the mediator.
Case B		

Attorney, bailiff and expert fees

Case study	Attorney	Average costs	Bailiff	Expert	Costs
	Is legal representation compulsory?		Is legal representation compulsory?	Must it be made use of?	
Case A	No	As agreed by the client and the attorney.	No	No The court shall appoint an expert at the request of the party providing evidence, except where it may initiate the taking of evidence <i>ex officio</i> . Either of the parties may also submit the opinions of private experts.	The expert determines his/her fee. If the court orders the taking of evidence <i>ex officio</i> , the fee is established pursuant to the relevant legislation in force.
Case B	No	As agreed by the client and the attorney.	No	No The court shall appoint an expert at the request of the party providing evidence, except where it may initiate the taking of evidence <i>ex officio</i> . Either of the parties may also submit the opinions of private experts.	The expert determines his/her fee. If the court orders the taking of evidence <i>ex officio</i> , the fee is established pursuant to the relevant legislation in force.

Witness compensation

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	Reimbursement of expenses
	When and under what conditions is it applicable?	Can the successful party obtain reimbursement of litigation costs?
	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.	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	See the section on legal aid. Irrespective of their income or financial situation, the parties have a right to the deferral of payments – suspended payment of specific costs – in lawsuits on custody and transfer of a child or on the right of access, among others.	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.

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>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>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>
	<p>See the section on legal aid. Irrespective of their income or financial situation, the parties have a right to the deferral of payments – suspended payment of specific costs – in lawsuits on custody and transfer of a child or on the right of access, among others. The decision on granting legal aid may take into account the cost of living in each party's country of residence.</p>	<p>Can the successful party obtain reimbursement of litigation costs?</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>
Case B		<p>Reimbursement of expenses</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>
		<p>In justified cases, the court may reduce attorneys' fees it deems unreasonably high. The parties may not be required 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

	When and under what conditions is it required?	Approximate cost	When and under what conditions is it required?	Approximate cost
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.</p> <p>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.</p> <p>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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