

## Case study 3 - family law - alimony - Lithuania

### Costs in Lithuania

#### Costs for Court, Appeals and Alternative Dispute Resolution

Case Study	Court	Transcription fees	Other fees
	Initial court fees		
Case A	Plaintiffs applying for child support are exempted from the paying the official fee in cases heard by a court	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds
Case B	Foreign natural or legal persons shall be applied the same conditions of exemption, reduction, deferral and scheduling of payment of litigation costs as are applied to Lithuanian persons.	The same as in national situation	The same as in national situation

Case Study	Appeals	Transcription fees	Other fees
	Initial court fees		
Case A	Plaintiffs applying for child support are exempted from the paying the official fee in cases heard by a court	Participants in a proceeding pay 10 Litas for a repeat copy of a court document, and 1 Litas for each page	The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
Case B	The same as in national situation	The same as in national situation	The same as in national situation

#### Case Study ADR

	Is this option open for this type of case?	Costs
Case A	Yes, after the essence of the dispute is identified in a preliminary session, the court will offer both parties the opportunity to come to a mutually acceptable compromise agreement and thus settle the case amicably	Free
Case B	The same as in national situation	The same as in national situation

## Costs for lawyer, bailiff and expert

### Case Study Lawyer

	Is representation compulsory?	Average costs
Case A	Lawyer representation is not compulsory. See section on Legal Profession Fee Regulation above	
Case B	The same as in national situation	The same as in national situation

### Case Study

	Bailiff Is representation compulsory?	Pre-judgment costs	Post-judgment costs
			No. Bailiffs play their role only after the issue of enforcement orders. Enforcement costs: 1) Periodic payments of alimony are enforced from the debtor's salary - 30 Litas for enforcement, which bailiff receives in every execution case, and other enforcement costs, depending on the kind and quantity of execution actions. 2) if alimony is recovered from debtor's property, enforcement costs in each case for execution and bailiff's salary will depend on the size of debt
Case A	No The same as in national situation	No The same as in national situation	
Case B			The same as in national situation

### Case Study

	Expert Is use compulsory?	Cost
	The court may appoint an expert or expertise for issues that require special knowledge in science, medicine, arts, engineering or craft, subject to the opinion of participants in the proceeding.	An advance surety in an amount established by the court must be paid by the requesting party. The government or an authorised institution establishes the maximum expenses. The court awards payment of the litigation expenses incurred by the successful party to the opposing party, even if the latter is exempt from paying litigation expenses into state funds.
Case A		
Case B	The same as in national situation	The same as in national situation

## Costs for witness compensation, pledge or security and other relevant fees

### Case Study

	Witness compensation	Pledge or security
	Are witnesses compensated?	Does this exist and when and how is it used?
	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	Cost
Case A	Yes, the amounts paid to witnesses are added to the expenses connected with hearing the case	See section on Experts' Fees above.

Case B	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation
Case Study	Other fees Description		Cost	
	Other expenses include: 1) the inspection of a location; 2) defendant searches; 3) delivering court documents; 4) satisfying the court judgment; 5) reimbursement for curator's work; 6) others as necessary and reasonable		See section on Experts' above. Expenses for a defendant search must be paid by the party that requested a search or the court. See section on Bailliff's Fees A tutor has the right to receive remuneration for representation in line with tariffs and procedure set by government or its authorised institution. Representation costs are borne by the party on which initiative a tutor is appointed, who must pay his or her representation costs in advance	
Case A				
Case B	The same as in national situation		The same as in national situation	

## Costs for legal aid and other reimbursement

Case study	Legal Aid			
	When and under which conditions is it applicable?	When is support total?	Conditions?	
	Primary legal aid can be claimed as described in the section on Legal Aid above. Secondary legal aid is eligible under the conditions set out in the section on Legal Aid above.	The state guarantees 100% percent of the costs of primary legal aid. The costs of secondary legal aid take account of a person's property and income (see section on Legal Aid above)	Persons wishing to receive primary legal aid may apply to the executive institution of a municipality, according to declared place of residence. Persons wishing to receive secondary legal aid must apply with documents substantiating the request and attesting to eligibility for secondary legal aid..	
Case A				

Case study	Reimbursement			
	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organisation?

Case study Reimbursement

Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law.

Where insurance benefits are paid out after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure laid down by the Minister of Justice. Where a person fails to refund these costs, they must be recovered in accordance with legal procedure.

Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the amount of the secondary legal into the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure

Where 50% cent of the costs of secondary legal aid are covered, and an applicant fails pay his or her 50% percent share of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of

secondary legal aid provided within the time limits laid down by the service. The state will be represented by the legal aid service.

Where the provision of secondary legal aid is terminated on the grounds referred to in subparagraphs 1, 2 and 6 of paragraph 1 of article 23 of the law. Costs can be recovered from the person to whom it was provided in accordance with procedure laid down by the law.

Where insurance benefits are paid after the costs, the costs of secondary legal aid must be refunded to the state budget within one month of the payment of the insurance benefit in line with the procedure laid down by the Minister of Justice. Where a person fails to refund these costs, they shall be recovered in accordance with legal procedure.

Where secondary legal aid has been provided (subparagraph 6 of article 12 of the law) but where the circumstances change (subparagraph 1 of paragraph 2 of article 11) such a person must refund the costs of the secondary legal provided to the state budget within the time limit laid down by the service. If they fail to do so, the costs will be recovered in accordance with the required legal procedure

Where 50 per cent of the costs of secondary legal aid are covered, and an applicant fails to fulfil the duty to pay 50 percent of the costs of civil or administrative the proceedings within the time limits required, the case may be terminated without the court taking a decision on the merits of the matter, and the applicant must refund the costs of secondary legal aid provided to the state budget within the time limits laid down by the service.

Where the costs of secondary legal aid must be recovered, the state must be represented by the service.

The winning party can obtain reimbursement of litigation costs from the losing party.

The costs of state-guaranteed legal aid and those incurred by the debtor in the execution process

Case A

## Costs for translation and interpretation

Case study	Translation	Approximate cost?	Interpretation	Approximate cost?
	When and under what conditions is it necessary?	A party, whose court documents must be translated into a foreign language, must pay in advance a surety set by the court to cover litigation expenses. If both parties submit petitions, both parties will pay the surety in equal parts.	When and under what conditions is it necessary?	
Case A	All the court documents and their annexures must be submitted to the court in the state language.	The same as in national situation	People, who do not speak the official language, are guaranteed the right to interpretation/translation services during the proceedings.	The court must pay the amounts due to interpreters/translators from the state budget funds.
Case B	The same as in national situation	The same as in national situation	The same as in national situation	The same as in national situation

■ Last update: 01/05/2010

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.