



# Family Courts (Prescribed Proportion of Professionals' Costs) Regulations 2014

Jerry Mateparae, Governor-General

## Order in Council

At Wellington this 21st day of January 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 147(2)(d) of the Care of Children Act 2004, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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### Regulations

- Title**  
These regulations are the Family Courts (Prescribed Proportion of Professionals' Costs) Regulations 2014.

**2 Commencement**

These regulations come into force on 31 March 2014.

**3 Interpretation**

In these regulations, unless the context otherwise requires, **Act** means the Care of Children Act 2004.

**4 Costs of court-appointed professionals**

For the purposes of section 135A of the Act, the prescribed proportion of the following amounts is two-thirds:

- (a) the amount paid by the Crown under section 131(1)(b) of the Act in respect of the fees and expenses of a lawyer appointed under section 7 or 130 of the Act:
- (b) the amount paid by the Crown under section 135(1)(b) of the Act in respect of a report requested under section 133 of the Act.

Rebecca Kitteridge,  
Clerk of the Executive Council.

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**Explanatory note**

*This note is not part of the regulations, but is intended to indicate their general effect.*

These regulations, which come into force on 31 March 2014, are made under the Care of Children Act 2004 (the **Act**). They provide that—

- the prescribed proportion of the amount paid by the Crown under section 131(1)(b) of the Act in respect of the fees and expenses of a lawyer appointed under section 7 or 130 of the Act is two-thirds:
- the prescribed proportion of the amount paid by the Crown under section 135(1)(b) of the Act in respect of a cultural, medical, psychiatric, or psychological report requested under section 133 of the Act is two-thirds.

If, in proceedings under the Care of Children Act 2004, the Child Support Act 1991, or the Family Proceedings Act 1980, the Crown has paid the fees and expenses of a lawyer appointed to represent a child or to assist the court, the court must order the parties to reimburse the Crown two-thirds of those fees and expenses. Also, if, in proceedings under the Care of Children Act 2004, the Crown has paid the fees for the preparation of a cultural, medical, psychiatric, or psychological report, the court must order the parties to reimburse the Crown two-thirds of those fees. A court may, however, decline to make any of the above orders against a party if it is satisfied that the order would cause serious hardship to the party or a dependent child of the party.

Each party must pay an equal share of the prescribed two-thirds proportion unless the court, taking into account the circumstances of the case, requires a party to pay a different amount not exceeding a two-thirds proportion.

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Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 23 January 2014.

These regulations are administered by the Ministry of Justice.

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