



Family
Justice
Council

BRIEFING

Public law family court fees

The current situation

The Ministry of Justice has announced major changes to the level and structure of fees in public family law cases. Family law cases often include disputes involving children, such as adoption and child protection.

From May 1 2008 the fees for these cases, paid by local authorities, increased substantially:

- Fees for care proceedings have risen to reflect an average cost of over £4,000. Previously local authorities paid £150. The new fees could rise to as much as £5,225 for a fully contested case.¹
- There is now a new payment system so that simple cases requiring fewer hearings cost less.
- Adoption fees paid by public authorities have increased to reflect the full cost of around £400. In the past local authorities were charged £140.

Councils have been given £40m to help cover increased fees. Minister Bridget Prentice says *“this is likely to exceed the total fees payable because it assumes that the maximum fee is paid in each case. In reality, some cases... will be resolved at earlier stages and pay a lower fee.”*

The Ministry of Justice argues that the changes reflect established policy that statutory fees should generally be set at a level that recovers the cost of the service provided.

1. These figures are taken from the Association of Lawyers for Children.



The Family Justice Council's view...

Care proceedings should be exempt from the policy of full cost recovery – local authorities initiate these proceedings for the protection of children as part of their public and statutory duties. The criminal courts are not funded by way of fee income and the Council believes that the family courts should be treated in the same way. Family and crime are different from civil proceedings where the parties are acting in their private interests and generally have a choice whether or not to initiate proceedings.

The Council is concerned that children experiencing chronic neglect may have to wait longer before action is taken. Substantial court fees will act as a disincentive for local authorities to take care proceedings in a timely manner and will increase the incidence of cases where they take action too slowly.

Family Justice Council spokespeople

Nick Crichton is a District Judge at the Inner London Family Proceedings Court and has many years of experience in handling care proceedings. Nick has advised the Russian and Bulgarian governments on child protection and on the reform of their court proceedings involving children.



Lesley Newton is a Circuit Judge based in Manchester and has many years' experience in dealing with care and adoption proceedings. She acts as a trainer for the Judicial Studies Board – the independent body which provides professional training for judges.



The Family Justice Council

The Family Justice Council is an interdisciplinary body made up of leading professionals working in the family justice system. The Council includes expertise from the legal (judges, barristers, solicitors), medical (a paediatrician and a child psychiatrist) and social care (CAFCASS representation and a Director of Children's Services) worlds.



The Council aims to promote better and quicker outcomes for families and children who use the family justice system.

The Family Justice Council sits between government and the courts of the family justice system. It speaks with both the experience of its members, all eminent in their fields, and an understanding of the realities of the system on the ground as perceived by its 39 Local Family Justice Councils.

For media enquiries please call
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