

# Care of Children/Guardianship

## Proceedings under the Care of Children Act 2004

Termination of instructions		
Activity	Fees	Tasks
Initial instructions not followed through	<b>\$290</b>	For <ul style="list-style-type: none"> <li>Taking instructions, attending the client</li> <li>Preparing application for legal aid</li> <li>Attempting to contact the client</li> <li>Closing the file</li> <li>Reporting to client</li> <li>Reporting to and invoicing Ministry of Justice</li> </ul> <p><b>Note: This fee can only be claimed where initial instructions are not carried through and the file is closed prior to the completion of stage one of any proceedings. It cannot be claimed in conjunction with any other schedule.</b></p>
Application(s)/Order(s)		
Activity	Fees	Tasks
Application(s)/Order(s) – First/Only proceeding	<b>\$620</b>	For <ul style="list-style-type: none"> <li>Taking instructions, attending the client</li> <li>Identifying legal and factual issues and merits of application</li> </ul>
Application(s)/Order(s) – Two proceedings	<b>\$310</b>	<ul style="list-style-type: none"> <li>Preparing application for legal aid</li> <li>Referrals to counseling services</li> </ul>
Application(s)/Order(s) – Third and subsequent proceedings	<b>\$310</b>	<ul style="list-style-type: none"> <li>Conducting initial negotiations between parties</li> <li>Preparing without notice application for interim/final order(s) and application to reduce time, including:               <ul style="list-style-type: none"> <li>Affidavit(s) in support</li> <li>Information sheets for the Court</li> </ul> </li> <li>Serving of documents</li> <li>Receiving minute/orders (either following in chambers or 1<sup>st</sup> Registrar's/Judge's list call)</li> <li>Reporting to client</li> </ul> <p><b>Note: Full fee can only be claimed for first/only proceedings under the Care of Children Act. Reduced fees are to be claimed for second and subsequent proceedings under the Care of Children Act.</b></p>
Additional Factors – Application(s)/Order(s)	<b>\$190</b>	For <p>Additional client attendances may be required in instances where:</p>
If two or more Additional Factors - Application(s)/Order(s)	<b>\$50</b>	<ol style="list-style-type: none"> <li>The legally aided person suffers from mental illness/intellectual disability</li> <li>The legally aided person requires an interpreter/translator</li> <li>The legally aided person has difficulties communicating (but doesn't require an interpreter/translator)</li> </ol> <p><b>Fee can only be claimed once per stage per case.</b></p>

Interlocutories		
Activity	Fees	Tasks
Interlocutories – Document preparation *	<b>\$140</b>	For <ul style="list-style-type: none"> <li>• Preparing interlocutory documents including Service</li> <li>• Lodging with Court</li> <li>• Reporting to client</li> </ul>
Interlocutory Hearing(s) – Preparation *	<b>\$80 per anticipated half hour of hearing time</b>	For <ul style="list-style-type: none"> <li>• Preparing submissions for interlocutory hearing(s)</li> <li>• Reporting to client</li> </ul>
Interlocutory Hearing(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>• Attending interlocutory hearing(s)</li> </ul>

\* This is a repeatable activity and can be claimed per occurrence of this activity.

Pre-hearing administration – document drafting/filing not required <sup>1</sup>		
Activity	Fees	Tasks
Pre-hearing administration	<b>\$310</b>	For <ul style="list-style-type: none"> <li>• Taking instructions, attending the client</li> <li>• Identifying legal and factual issues and merits of application</li> <li>• Preparing application for legal aid</li> <li>• Reviewing evidence</li> <li>• Reporting to client</li> </ul>
Additional Factors – Application(s)/Order(s)	<b>\$190</b>	For <p>Additional client attendances may be required in instances where:</p> <ol style="list-style-type: none"> <li>1. Self-represented litigants are party to proceedings</li> <li>2. The legally aided person suffers from mental illness/intellectual disability</li> <li>3. The legally aided person requires an interpreter/translator</li> <li>4. The legally aided person has difficulties communicating (but doesn't require an interpreter/translator)</li> </ol>
If two or more Additional Factors - Application(s)/Order(s)	<b>\$50</b>	<b>Fees can only be claimed once per stage per case</b>

<sup>1</sup>When the applicant has self-represented until after a judge has directed that the application is to proceed to a hearing, these fees cannot be claimed in association with other pre-hearing fees.

Pre-Hearing matters		
Activity	Fees	Tasks
Pre-Hearing Matters #	<b>\$620</b>	For <ul style="list-style-type: none"> <li>• Receiving notice of response (or attendance at Court of respondent, or indication of respondent to lawyer for child that respondent intends to defend application) and undertaking negotiations accordingly</li> <li>• Taking further instructions and reviewing merit</li> <li>• Filing affidavit(s) in reply and/or updating affidavits</li> <li>• Attending Registrar's list/Judges list/chambers hearings</li> <li>• Liaising with relevant parties – Oranga Tamariki, counsel for child, witnesses, experts</li> <li>• Reporting to client</li> </ul>
Complying with Judge's directions <sup>β</sup> *	<b>\$190</b>	For

Pre-Hearing matters		
Activity	Fees	Tasks
		<ul style="list-style-type: none"> <li>Complying with directions from the Judge, such as updating affidavits or drug testing</li> </ul>
Specialist Reports *	<b>\$190 each</b>	For <ul style="list-style-type: none"> <li>Considering:               <ul style="list-style-type: none"> <li>a specialist report requested by the court under sections 132 and 133</li> <li>a Lawyer for Child report</li> </ul> </li> <li>Reporting to client</li> </ul>
Formal Proof Hearing(s) – Preparation *	<b>\$140</b>	For <ul style="list-style-type: none"> <li>Preparing for formal proof hearing</li> <li>Receiving and advising on specialist reports</li> <li>Reporting to client</li> </ul>
Formal Proof Hearing(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>Attending formal proof hearing</li> </ul>
Issues Conference(s) – Preparation *	<b>\$210</b>	For <ul style="list-style-type: none"> <li>Reviewing file</li> <li>Preparing for Issues conference</li> <li>Reporting to client</li> </ul>
Issues Conference(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>Attending Issues conference(s)</li> </ul>
Settlement Conference(s) – Preparation*	<b>\$210</b>	For <ul style="list-style-type: none"> <li>Reviewing file</li> <li>Preparing for Settlement conference(s) or other judge-directed meetings which includes briefing client, submissions and undertaking negotiations accordingly</li> <li>Reporting to client</li> </ul>
Settlement Conference(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>Attending Settlement conference(s)</li> </ul>
Directions Conference(s) – Preparation *	<b>\$140</b>	For <ul style="list-style-type: none"> <li>Preparing for Directions conference(s) (including memorandum of issues)</li> <li>Reporting to client</li> </ul>
Directions Conference(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>Attending Directions conference(s)</li> </ul>
Pre-hearing Conference(s) – Preparation*	<b>\$140</b>	For <ul style="list-style-type: none"> <li>Preparing for Pre-hearing conference(s) (including memorandum of issues)</li> <li>Reporting to client</li> </ul>
Pre-hearing Conference(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>Attending Pre-hearing conference(s)</li> </ul>

Pre-Hearing matters		
Activity	Fees	Tasks
Complex Case Management Conference (CCMC) —Preparation *	<b>\$140</b>	For <ul style="list-style-type: none"> <li>Reviewing file</li> <li>Preparing for CCMC including briefing client</li> <li>Liaising with the other party(s)</li> <li>Conducting negotiations and where possible reaching agreement</li> <li>Reporting to client</li> </ul>
Complex Case Management Conference(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>Attending CCMC(s)</li> </ul>
Memorandum of Consent *	<b>\$310</b>	For <ul style="list-style-type: none"> <li>Negotiations that achieve consent, to be incorporated into the memorandum of consent</li> <li>Preparing memorandum of consent</li> <li>Seeking approval of Court</li> <li>Reporting to client</li> </ul>
Instructing Agent *	<b>\$190</b>	For <ul style="list-style-type: none"> <li>Seeking and instructing agent to attend meetings, conferences or hearings listed in the ‘pre-hearing matters’ activities or interlocutory hearing(s).</li> </ul> <p><b>Note: this fee does not cover the agent’s preparation/attendances as they are covered by the fee for the activity being undertaken by the agent.</b></p>
Additional Factors – Pre-Hearing Matters	<b>\$190</b>	For <p>Additional client attendances may be required in instances where:</p> <ol style="list-style-type: none"> <li>Self-represented litigants are party to proceedings (claimable from second stage)</li> <li>The legally aided person suffers from mental illness/intellectual disability</li> <li>The legally aided person requires an interpreter/translator</li> <li>The legally aided person has difficulties communicating (but doesn’t require an interpreter/translator)</li> </ol> <p><b>Fee can only be claimed once per stage per case.</b></p>

\* This is a repeatable activity and can be claimed per occurrence of this activity

# Where the respondent is a self-litigant, a notice of response may not always be filed. The pre-hearing matters can still be claimed if the respondent intends to defend the application.

β This fee can be claimed for complying with a Judge’s direction prior to a defended hearing or during or post a defended hearing. It may be claimed for complying with a Judge’s directions to update an affidavit or for complying with another direction, such as drug testing.

Defended Hearing(s)		
Activity	Fees	Tasks
Defended Hearing(s) – Preparation*	<b>\$160 per anticipated hour of hearing time</b>	For <ul style="list-style-type: none"> <li>Reviewing file</li> <li>Preparing for defended hearing – cross examination, briefing witnesses, submissions</li> <li>Undertaking research, if necessary</li> <li>Reporting to client</li> </ul>
Defended Hearing(s) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>Attending defended hearing</li> </ul>
Review of Judgment	<b>\$140</b>	For <ul style="list-style-type: none"> <li>Receiving and considering judgment (including reserved judgments, if applicable)</li> <li>Discussing with client including implementation of judgment</li> <li>Reporting to client</li> </ul>
Memorandum of Consent	<b>\$190</b>	For <ul style="list-style-type: none"> <li>Preparing memorandum of consent</li> <li>Seeking approval of Court</li> <li>Reporting to client</li> </ul>
Instructing Agent*	<b>\$190</b>	For <ul style="list-style-type: none"> <li>Seeking and instructing agent to attend defended hearing</li> </ul> <p><b>Note: this fee does not cover the agent’s preparation/attendances as they are covered by the fee for the activity being undertaken by the agent.</b></p>
Additional Factors – Defended Hearing(s)	<b>\$190</b>	For <p>Additional client attendances may be required in instances where:</p> <ol style="list-style-type: none"> <li>Self-represented litigants are party to proceedings</li> <li>The legally aided person suffers from mental illness/intellectual disability</li> <li>The legally aided person requires an interpreter/translator</li> <li>The legally aided person has difficulties communicating (but doesn’t require an interpreter/translator)</li> </ol> <p><b>Fee can only be claimed once per stage per case.</b></p>

\* This is a repeatable activity and can be claimed per occurrence of this activity

Post Defended Hearing		
Activity	Fees	Tasks
Costs Application	<b>\$290</b>	For <ul style="list-style-type: none"> <li>Considering cost implications whether an applicant or a respondent</li> <li>Preparing and receiving submissions</li> <li>Receiving costs judgment and sealing order</li> <li>Reporting to client</li> </ul> <p><b>Note: this fee does not cover family cost contribution orders</b></p>
Review Hearing (Court-directed) – Preparation	<b>\$210</b>	For <ul style="list-style-type: none"> <li>Reviewing orders</li> </ul>

Post Defended Hearing		
Re-preparation if Review Hearing adjourned (Court directed)	<b>\$140</b>	<ul style="list-style-type: none"> <li>• Taking instructions</li> <li>• Reporting to client</li> </ul>
Review Hearing (Court-directed) – Hearing Time	<b>\$60 per half hour</b>	For <ul style="list-style-type: none"> <li>• Attending review hearing</li> </ul>
Direction to draft orders	<b>\$190</b>	For <ul style="list-style-type: none"> <li>• Complying with a direction to draft further orders</li> </ul>
Instructing Agent	<b>\$190</b>	For <ul style="list-style-type: none"> <li>• Seeking and instructing agent to attend review hearing</li> </ul> <p><b>Note: this fee does not cover the agent’s preparation/attendances as they are covered by the fee for the activity being undertaken by the agent.</b></p>

## Care of Children/Guardianship – Granting notes

### Termination of Instructions

The Termination of Instructions fee under this proceeding can only be claimed where:

- the provider has begun the early work that would normally be invoiced at the application stage
- then ceases to do so on the instruction of the legally-aided person or because that person abandons the case.